John Tarred Wing T3309

THE

HISTORY

OF THE

Whiggiſh-Plot:

Or, A brief Hiſtorical

ACCOUNT

OF THE

Charge and Deefnce

OF

{*William* Lord *Ruſſel*, Capt. *Tho. Walcot*, *John Rouſe*, *William Hone*, Captain *Blague*} {*Algernoon Sidney*, Eſq; Sir *Sam. Barnardiſton*, *John Hambden*, Eſq; *Lawrence Braddon*, *Hugh Speak*, Eſq;}

Together with an Account of the Proceedings upon the Outlawry againſt *James Holloway*, and Sir *Thomas Armſtrong*.

Not Omitting any one material Paſſage in the whole Proceeding.

Humbly Dedicated to his ROYAL HIGHNESS.

LONDON,

Printed by *T. B.* and are to be ſold by *Randal Taylor*, near *STATIONERS-HALL*, MDCLXXXIV.

HISTORY

OF THE

Whig Plot:

OR, A TRUE

ACCOUNT

OF THE

To the most Illustrious and Serene

PRINCE

James Duke of York

AND

ALBANY, &c.

May it please Your *Highness*,

IT *was the Design of the* Author *of the following* Papers, *a Person very faithful to the Interest of the* Crown, *to make an Humble Present of himself and them, to Your* Highness; *but being at this time under great Indisposition, I was desir'd to present his Duty by* Proxy, *and lay his Performance at Your* Royal Highnesses *Feet. I will acknowledge to Your* Highness, *that I am no Friend to* Epitomies, *especially in* Law, *where the* Truth *and the whole* Truth *is so strictly required: But I look upon this to be one of the faithfullest and perfectest that ever I have seen, having carefully perus'd the whole, to say nothing of that Candor and Ingenuity of Temper, which makes some New* Discovery *of it Self in every* Page *of the whole* Work, *being very far from a Design of Imposing any thing* False, *or Aggravating any thing beyond the naked* Truth, *and abounding every where with many unquestionable Stroaks of a Courteous and Gentle* Nature, *very fit if Honestly and Wisely managed, to poyse and balance these uneven* Times.

The irrefragable clearneſs of the Proof, added to the Conciſeneſs of this Author's Method, *will ſhew Your* Highneſs *at once, as in a Glaſs, the imminent Dangers the* King *and* You *have eſcaped, and with* You *the* Clergy, *the* Nobility, *nay, the* Commons *themſelves, who would moſt of them, before this time, have been Buryed in* Confuſion, *and Rolling in* Blood, *which as in all it ought to Create a Mortal and* Vatinian *Hatred of thoſe Horrid* Principles, *by which the* Enemies *of this* Church *and* Monarchy *are Acted, and of thoſe Barbarous, though Natural Concluſions that iſſue from them; ſo more particularly in Your* Royal Highneſs, *there is no doubt, but the Reflection upon ſuch* Villany *as this, will inflame ſo* Generous *and ſo* Loyal *an* Heart *with an ardent Affection for that* Church, *which long and ſad Experience hath told us, is to be the only true* Prop *and* Supporter *of the* Crown.

That God would Guide Your Royal Highneſs *by his* Council, *and after a long and fortunate* Old Age, *receive* You *into* Glory, *is the Humble and Affectionate* Prayer *of,*

May it pleaſe your Royal Highneſs,

Your Royal Highneſſes moſt Humble,

Dutyful and Obedient Servant,

JOHN TURNER.

THE HISTORY OF THE Whiggiſh-PLOT.

UPON the *Diſcovery* of the late *Helliſh Conſpiracy*, which was made by Mr. *Keeling* upon the *Twelfth* of *June*, in the *Year*, 1683. as will at large appear upon his *Evidence* againſt Captain *Walcot*, His *Majeſty* ſet forth two *Proclamations*, the one bearing Date the 23*d*. and the other the 28*th*. of the ſame *Month*; The firſt for the *Diſcovery* and *Apprehenſion* of Colonel *John Rumſey*, *Richard Rumbold*, *Richard Nelthorpe* Eſq; *Nathaniel Wade*, Gent. *Richard Goodenough*, Captain *Walcot*, *William Thompſon*, *James Burton*, and *William Hone*, a *Joyner*: The latter for the *Apprehending* of *James Duke of Monmouth*, *Ford Lord Grey*, who being *Apprehended*, made his Eſcape out of the Hands of the *Serjeant* at *Armes*; Sir *Thomas Armeſtrong*, and *Robert Ferguſon*, who was the *Common Agitatour*, entruſted by all *Parties* in the ſeveral *Conſpiracies*. Beſides all theſe, ſeveral others were ſoon detected, as the *Lord Melvin*, Sir *John Couchrane*, *Francis Goodenough*, *William Rumbold*, *Joſeph Elby*, *Samuel Gibbs*, *Francis Charleton*, *Joſeph Tyley*,——*Caſteers*,——*Lobb*, both **Non-Conformiſt Miniſters**, *Edward Norton*, *John Row*, *John Aytoſs* and *John Atherton*; Several of which having notice of *Warrants* iſſu'd out for their *Apprehenſion*, fled from *Juſtice*. Nevertheleſs, they did not all eſcape; For of ſuperiour *Quality* were taken the *Lord Ruſſel*, the *Lord Howard* of *Eſcrich*, Colonel *Sidney*, Mr. *Hamden*, Jun. and the *Earl of Eſſex*, who being Committed to the *Tower* for *High Treaſon*, **Kill'd** himſelf: Of meaner *Quality* were *Apprehended*, Mr. *Weſt*, Colonel *Rumſey*, Captain *Walcot*, and *Hone* the *Joyner*, and of theſe the *Lord Howard*, Colonel *Rumſey*, and Mr. *Weſt*, were reſerved to give *Evidence* againſt the *Others*, whoſe *Charges* and *Defences*, together

Proclamations iſſu'd out againſt the Conſpirators.

The Names of the Conſpirators.

The Earl of *Eſſex* kills himſelf.

Mean perſons taken.

together with their *Confessions*, compleat the *Body* of this *History*. Besides these, also were *Apprehended* the *Lord Brandon*, Mr. *Booth*, Mr. *Charleton*, Mr. *Wildman*, and Mr. *Trenchard*, and sent to the *Tower*, who at the beginning of the following *Term*, were admitted to give Bail for their *Appearance* the first Day of the next *Term* ensuing.

Upon the 27*th*. of *July* came forth His *Majesties Declaration*, concerning the *Treasonable Conspiracy* against His *Person* and *Government*, giving an Accompt of the *Principal* and *Main Designs* of it, which appear'd to be in short as follows:

About the beginning of *October*, 1682. when the *Heads* of the *Faction* saw the *Magistracy* of *London* settled in *Persons* of *Loyal Principles*, they fell immediately to *Consult* about *Rising* in *Armes*; for which some thought their *Party* so well prepared, that they could not fail of *attaining* their *Ends*, when they should break out into *Open Force*.

They Consult to Master the Guards, and seize the Kings Person, but lay that Design aside till they had settled a Correspondence to know their strength.

Upon which some of the *Principal Conspirators* met, to agree about the best way to *Muster* the *Guards*, and *Seize* His *Majesties Person*; but upon deep *Consideration*, finding it necessary to prepare their *Friends* in the several *Counties*, and the *Disaffected Party* in *Scotland* to joyn with them, without which any *Attempts* in the *City* upon the *Guards* seem'd to be too rash, they lay'd aside the *Thoughts* of a *Present Rising*, and dispos'd themselves to find the safest way by *Correspondence*, how far they might be assisted by a *General Insurrection*, so that in all *Humane Probability* they might not fail of success

The Assassination of the K. and D. of York Design'd.

While these *Designs* were forming, some *Villains* were carrying on that *Execrable Plot* of *Assassinating* His *Majesties Person*, and His *Royal Highness*, in their coming from *New Market*, to which purpose Money was deposited; but were prevented by the *shortness* of *Time*, and *Necessary Preparations*.

A second design in *March* at His Majesties going to *New-Market*.

Thereupon they *Consulted* about Attempting the same *Villany* again at His *Majesties* next going to *New-Market* in *March* was a *Twelvemonth*. But fearing the strength of the *Guards* that are usually left behind after the *King's Departure*, and because they were not then neither sufficiently ready, they agreed to do it at his *Return* from *New Market*.

The place appointed, was *Rumbolds* House, called, *The Rye*.

The *Place* appointed was *Rumbold's* House, call'd *The Rye*, near *Hoddesdon*; where it was so contriv'd, That *Forty Persons* under the *Command* of *Rumbold*, should hide themselves in or near the *House*, and when the *King's Coach* should come over-against them, then to kill the *Postilion* and *Horses* by Discharging three or four *Blunderbusses*, and if they fail'd, others were to be ready in the way in *Labourers Habit* to turn a *Cart* in the *Road* to stop the *Coach*, while some *Shot* into the *Coach* that carryed His *Majesty*, and His *Royal Highness*, and others Fir'd upon the *Guards*. It was also farther concluded, That the same Day several *Lords*, and other *Persons* of *Quality*, should be *Invited* into the *City* to *Dinner*, to be ready to appear among the *Citizens* upon the arrival of the *News*. For the *Actors* had for their escape contriv'd a nearer *Passage* then the usual *Rode*, in hopes to get to *London* before, or as soon, as the *News* could be carryed thither.

Several Lds. and great Persons to be invited into the City to Dianer, to appear among the people upon arrival of the News.

To palliate the *Blackness* of such an *Action* as far as they could, they

they had prepared a *Remonstrance*, which was ready to be dispersed among the *People* in that *Confusion*, and to prevent any stop to be put to their *Career* by the *Magistrates* and *Officers* of the *City*, they had designed for immediate slaughter, the *Lord Mayor*, the *Sheriffs*, and the most *Eminent* for their *Loyalty*.

The *Mayor* and *Sheriffs*, &c. to be Massacre.

But the suddain Fire at *New Market*, defeated these *bloody Counsels*, necessitating his *Majesties* Return from thence before he had intended.

Nor did these *disappointments* discourage those *Villains* from proposing and hoping some more convenient *Opportunities* to prosecute their *Impious Design*, either between *Windsor* and *Hampton-Court*, in his *Journey* to *Winchester*, or as he went in his *Barge* by *Water*, or at the *Bull Feast*, which was to be in *Red Lion Fields*,

Armes ready upon all occasions.

To which purpose they had always lying ready a certain number of *Arms* upon all occasions that should offer. And for the more easie drawing their party together, at the time of *Execution*, they had divided the *City* into *twenty Parts*, from every one of which they expected *five hundred Men*, to Embody upon the first *Onset*, having in every one their *distinct Agitators*, to take care of that particular *Affair*, to Head which *Parties* there were a *Hundred Old Officers* that had been engaged in the *late Rebellion*, who lay close in *Town* till the Discovery was made.

A Hundred old Officers of the late Rebellion conceal'd in the Town to command the raised Men.

On the other hand, the *Chief Conspirators* were driving on for the *General Insurrection*, which was to be in both *Kingdoms*; which the *Earl* of *Shaftsbury* would have had before the *seventeenth* of *November*, or else upon that day at farthest; but finding they would not adventure without farther *Preparation*, conveighed himself secretly into *Holland*, to avoid the danger of being discovered.

A Council of six erected to carry on the Insurrection, and *Scotch* Correspondency.

Upon his *withdrawing*, a new *Council* of *six Persons* were to have had the chief *Managem nt* of *Affaires*, in order to the *designed General Insurrection and Scotch Correspondence*: To which purpose a Person was by them sent into *Scotland*, to invite the *Heads* of the *disaffected Party* in *that Kingdom* to come into *this*, under a *specious pretence* of purchasing in *Carolina*, to consult the surest meanes for carrying on the *Confederacy* joyntly in both *Kingdoms*. Thereupon *Archibald Campbel* late *Earl* of *Argile*, as being already *Attainted* of *Treason*, was treated with, who accepted of *ten Thousand Pounds* to be paid for *buying Arms* in *Holland*, and making *Provisions* for a *Rebellion* in *Scotland*.

Argile treated with, he accepts of ten thousand *l.* to buy Armes in *Holland*.

In the same *Council* of *Six* they had debated, and at length concluded that the *Rising* should be in all *Parts* at the same time, least the *City* being defended by its own *Militia*, the *Guards* might have *leisure* to be sent to *suppress* the *Country Insurrections*.

This was the *Sum* of this most *Horrid* and *Execrable Design*, by *Providence* so often disappointed, and at length when it was fully *Ripe*, mow'd down by the clear *Discoveries* of *Heavens* over-ruling *Power*.

And this it was which his *Majesty* thought fit to make known to all his loving *Subjects*, that they being sensible of the *Mercy* of *God* in so great a *Deliverance*, might the more chearfully and devoutly joyn with their *Soveraign*, in returning solemn Thanks to the Preserver of *Kings* for the same.

To

The 9th. of *September* appointed for a solemn *Thanksgiving day*, and the Declaration then to be publickly *Read*.

To which end His *Majesty* was pleased to appoint the 9*th*. of *September*, 1683. for a general day of *Thanksgiving* over all *England* and *Wales*, and that his *Declaration* should be publickly read in all *Churches* and *Chapples*, as well upon *Sunday* the *Second* of *September*, as upon the *Thanksgiving day* it self.

As the *Terror* and *Dismay* was not to be *imagined*, which had seized the minds of all *good Men*, out of an *Apprehension* of the *frightful dangers*, so near the *Persons* of His *Majesty* and His *Royal Highness*, so there was nothing could be greater to exceed it, then their *General joy* to find by the *Discovery*, those dismal *Clouds* of *Treason* dispersed that threatned the *Ruin* of their *Prince* and *Country*, which produced *Addresses* from all *parts* of the *Kingdom*, acknowledging the sacred *Preservations* of *Heaven*, and *Congratulating* the *Happy Deliverance* of their *Soveraign* and His *Royal Brother*.

The first Address *was from the* Lord Mayor, Aldermen *and* Commen-Council *of the* City of **London**.

The City Address to his Majesty upon Discovery of the Plot.

That whereas they had received with Astonishment the Discovery *of a most* Trayterous *and* Horrid Conspiracy *of divers* Ill-affected *and* Desperate Persons, *to compass the* Death *and* Destruction *of His* Royal Person, *and His* Dearest Brother James Duke *of* York, *to which purpose they had held several* Treasonable Consultations *to* Levy Men *and* make *an* Insurrection, *and made* Provision *of* Arms. *A* Design *immediately tending to the* Destruction *not only of all His* Majesties *best* Subjects, *but of His* Majesties Sacred Person, *the* **best** *of* Princes, *and to involve* this *and* future Generations *in* Confusion, Blood *and* Misery, *carry'd on, notwithstanding under* Specious Pretences, *by* **known Dissenting Conventiclers** *and* **Atheistical Persons.**

Therefore in the first place, having offered up their *Solemn Thanks* to *Almighty God* for his *watchful Providence*, in bringing to *Light* that *Impious* and *Execrable* Machination.

They did in the next place offer to His *Majesty*, the deep *Resentment* of their *Loyal Hearts* concerning the same; beseeching his *Majesty* to rest fully assured, that as no *Interest* in the *World* was valuable to them, in Comparison of *His Majesties Service* and *Safety*, so they were determin'd readily to expose their *Lives* and *Fortunes* in *defence* of *His Majesties Person*, *His Heirs* and *Successors*, and *His Government*, as establish'd in *Church* and *State*, and particularly for the *Discovering*, *Defeating* and *Destroying* all such *Confederacies*, *Associations* and *Attempts* whatsoever.

Addresses to the same purpose from all parts of *England*, &c.

London having thus led the *Van*, was seconded by *Addresses* of the same *Nature*, varying only in *Style* and *Words*, but altogether the same in sence, not only from all Parts of *England* and *Wales*, but out of *Ireland* and several of his *Majesties* distant *Plantations*; so that the **Plot**, instead of doing the *Harm* which it intended, did but rather serve to winnow and seperate the *Tares* and *Darnel* from the *Wheat*, to shew the *Rancor* and *Malice* of some few *Malecontents*, but the universal *Loyalty* of *Multitudes*, to open the *Eyes* of the *Deluded*, and to *rivet* his *Majesty* deeper into the *Hearts* and *Affections* of his *Subjects*.

The

THE HISTORY OF THE Charge and Defence OF Captain T. Walcott.

THE First of the *Confederates* whom *Juſtice* called to an accompt from this *Bold-Conſpiracy* was Captain *Thomas VValcott*, who was tryed at the *Old Baily Seſſions*, upon the 12. of *July*, 1683. He was Indited for compaſſing and conſpiring the Death of the *King*, the *Subverſion* of his *Government*, and for endeavouring and intending to raiſe a *Rebellion* and general *Inſurrection* in the *Kingdom*, to which he pleaded *not Guilty*.

Captain *Walcott* brought to his Tryal.

His Charge.

After ſome *Exceptions* the following *Jury* was Sworn.

Nicholas Charleton	*VVilliam Rutland.*
Chriſtopher Pitts	*Thomas Short.*
Robert Bedingfield	*Theophilus Man*
John Pelling	*John Genew*
VVilliam VVinbury	*John Short.*
Thomas Seaton	*Thomas Nicholas.*

This being done and the *Enditement* opened by the *Kings Council* and the *Attorney General*; Collonel *Rumſey* was called and ſworn, and firſt ordered to give an *Accompt* of any *Riſing* that he had heard of; who thereupon declared, that about the end of *October*, or beginning of *November*, he was with the Lord *Shaftſbury* late at Night, who told him, that the Duke of *Monmouth*, the Lord *Ruſſel*, the Lord *Grey*, and Sir *Thomas Armſtrong* were at one Mr, *Shepheards Houſe* near *Lumbard-Street*, and therefore deſired me to go and know what they had done about *raiſing Armes* at *Taunton*, upon which he went, and being carried up by Mr. *Shepherd*, he received for anſwer, that Mr. *Trenchard* had failed them about the men, and they could proceed no farther at that time, and therefore he muſt be contented, that he went to the Lord *Shaftſbury* and told him what they ſaid: who thereupon prepared to be gon for *Holland*.

Rumſey gives his Evidence.

The Lord *Shaftsbury* prepares for *Holland*.

Being ask'd what *Discourse* he had thereupon with the Lord *Shaftsbury*, and what made him believe he made *Preparation* to be gone? He Answered, That my Lord should say, *There was no* Dependance *upon those* Gentlemen *that met, and therefore he would leave* England. Then proceeding in his *Evidence*, he declared, That about a fort-night or three-weeks afterwards, there was a *Meeting* at Mr. *West*'s *Chamber*, where was Mr. *West*, Mr. *Goodenough*, and Mr. *Wade* together, with some-body else, whose Name he did not remember, for Captain *Walcot* was then in *Holland*. That there it was proposed, That nothing was to be done by a *General Rising*, but that there was no surer way then to take of the *King* and the *Duke*, which they could not carry on neither, without Mr. *Ferguson*; whereupon he was writ for into *Holland*, and that he came out of *Holland* upon that *Letter*, and Captain *Walcot* with him. That after Mr. *Ferguson*'s coming back out of *Holland*, there was very suddenly a *Meeting* again, and then it was concluded, That nothing was to be effected without taking off the *King* and the *Duke*, or to that purpose, but that Mr. *Ferguson* was not at that *Meeting*. There were two or three *Meetings* before Captain *Walcot* was there, to find out *Men*, and they could not find out *Men*, without which Mr. *Rumbold* would not undertake it; But that about three or four *Meetings* after, Captain *Walcot* came, and was resolved at last to joyn in the *Matter*, but that he would not have a hand in attacking the *Coach*, only he would command a *Party* that should Charge the *Guards*.

A Meeting at Mr. *West* his Chamber.

Mr. *Ferguson* sent for out of *Holland* for that purpose.

Capt. *Walcot* undertakes to Fight the Guards, but refuses to seize the King.

Being ask'd after what manner it was settl'd that it should be done? He Answered, That there were several *Parties*; one small *Party* was to have Kill'd the *Postilion*, another to Kill the *Horses*, Mr. *Rumbold* with another *Party* to seize the *Coach*, and Captain *Walcot* the *Guards*.

Being ask'd where it was to be done? He say'd, at Mr. *Rumbold*'s *House* near *Hoddesdon*.

Being ask'd for what purpose Mr. *Rumbold*, and those other *Men* were to attack the *Coach*? He made Answer, To *Murder* the *King* and the *Duke*.

Being ask'd how it was Design'd to be done? He Reply'd, By *Blunderbusses*, and if they miss'd, by *Swords*.

Being ask'd when this was to be done? He made Answer, When the *King* was last at *New-Market*, the *Saturday* before *Easter*.

Being ask'd about what time this *Resolution* was taken? He Answered, In *February* last; Mr. *Ferguson*, and Mr. *Walcot* coming to *Town* upon *Ash-Wednesday*, and then was the first *Meeting* that the *Prisoner* at the *Bar* came in, which was at Mr. *West*'s *Chamber*, before the *King* came from *New-Market*; So that there were several *Meetings* afterwards at Mr. *West*'s *Chamber*, to *Consult* whether they could raise the *Number* they insisted upon. The *Witness* then added, That there were *Notes* brought by Mr. *Goodenough*, and Mr. *Rumbold*, of many *Names*, to see that they might not be deceived in the *Number*: and that at that time Captain *Walcot* was there, and did undertake to go to Mr. *Rumbold*'s *House*, and as he thought did go down to the very *Place*.

Being

Being ask'd whether there was any *Number* of Men inſiſted upon for doing the *Villany*? He Anſwered, That *Rumbold* inſiſted upon *Fifty Men*, but that Captain *Walcot* had no perfect *Number* allotted him.

Rumbold deſires 50 Men.

Being asked the Reaſon why this was not effected when the *King* return'd from *New-Market*? The *Witneſs* Anſwered, Becauſe the *Fire* hapened, which brought the *King* ſooner home from *New-Market* then the Men could be got ready: for that the *King* return'd upon *Tueſday*, whereas he was not expected till *Saturday*.

The Aſſaſſination prevented by the Fire, the King returning ſooner then expected.

That upon *Intelligence* of the *Fire*, and that the *King* would return upon *Tueſday*, Mr. *Ferguſon*, who then Lodg'd in *Covent-Garden*, ſent to ſeveral to come to him, to ſee if Men could be got ready by *Tueſday*, but it could not be done, and ſo it was lay'd aſide for that time. That after this *Diſappointment*, Mr. *Weſt*, Mr. *Goodenough*, and Captain *Walcot*, had a *Meeting*, were it was Reſolved, That no *Accident* afterwards might hinder the *Attempt* to buy *Armes*, Mr. *Ferguſon* undertaking to provide *Money*, and Mr. *Weſt* undertaking to procure the *Armes* for the Men, Mr. *Rumbold*, and Mr. *Goodenough* undertook to provide them.

Armes reſolved to be bought *Ferguſon* undertakes for Money, *Weſt* to provide the Armes and *Rumbold* and *Goodenough* to procure Men.

Being asked whether they had any farther *Deſign* upon the *King* after this *Diſappointment*? The *Evidence* made Anſwer, That it was to be done coming from *Windſor* to *London*, or from *Windſor* to *Hampton Court*, or at the *Play-Houſe*, therefore that *Armes* might be ready againſt any *Opportunity* that ſhould happen, let it be what it would: Mr. *Weſt* undertook to buy the *Armes*, and did buy them, as he told the *Witneſſes*, but did not get his *Money* in five or ſix *Weeks*, and then that Mr. *Ferguſon* payed.

Being ask'd what other *Meetings* he was at with Captain *Walcot*? He Reply'd, At the *Salutation* in *Lumbard-Street*, and the *Green-Dragon* on *Snow-Hill*; where the buſineſs in *Diſcourſe* was, about dividing the *City* into twenty parts, to ſee how many could be rais'd out of every part, which were again to be ſub-divided into *Fifteenths*, and every Man to lead a *Fifteenth*, that they might not be at a loſs. That Mr. *Goodenough* gave an *Accompt* of ſeven parts of the twenty; out of which, he ſaid there would be rais'd two Thouſand Men, but that the other *Fifteen* would not raiſe as many more, the other being the moſt conſiderable parts, as *Wapping* and *Southwark*. That by *Vertue* of this *Diviſion*, the general *Riſing* was intended to be ready againſt the firſt *Opportunity* that happened.

Being ask'd where was the laſt time they met before the *Diſcovery*? He made Anſwer, That it was as he thought, the very *Thurſday* before the *Diſcovery*, at the *Salutation* in *Lumbard-Street*, where was Captain *Walcot*, Mr. *Weſt*, Mr. *Wade*, the two *Goodenoughs*, Mr. *Neltborp*, and the *Witneſs* himſelf; where the *Reſolution* continu'd ſtill to carry on the *Buſineſs*. But that the particular *Occaſion* of their *Meeting*, was to know of Mr. *Goodenough*, what was done about the other *Thirteen Parts*, to which he made Anſwer, That he had no *Accompt*, but thought he ſhould have a *Meeting* on *Saturday* in the *Afternoon*, at the *George* upon *Ludgate-Hill*, to have his Anſwer: But the *Diſcovery* coming,

ming, there only met Mr. *Norton*, Mr. *Bourn*, and a fourth Person, whose Name the *Witness* did not remember.

A Meeting after the Discovery.

That upon the *Monday* after the *Discovery* they met at Captian *Tracies*, *viz.* Captain *Walcot*, Nr. *West*, Mr. *Wade*, Mr. *Nelthorp*, the two *Goodenoughs*, and Mr. *Ferguson*, where there was nothing done, but only *Exclaimations* against Mr. *Keeling*, and taking *Resolutions* to be gone.

Mr. *Keeling* Exclaim'd against, and Resolutions taken to retire.

Being ask'd whether he ever was in Mr. *Keelings* Company? He Answered, That at the time they met at the *Salutation Tavern*, he came in there for a quarter of an *Hour*, by the same token, That there being a *Report* of a *Rising* at *Coleign*, headded by one *Gulic*, Mr. *West* told him, That he should be our *Gulick*, saying, *That* Gulick *and* Keeling *were all one: for that* Gu *was* Kee, *and* Lick *was* Ing.

Captain *Walcot* being then admitted to ask the *Witness* any *Questions*, desired the *Court* to ask, whether ever he met at Mr. *West*'s Chamber, till after the *King*'s return from *New-Market*? To which Colonel *Rumsey* reply'd in the *Affirmative*, and Sir *George Jefferies* made this *Remark* upon it, That he was to have undertaken the *Guards*, which was before the *King* return'd from *New-Market*.

The *Witness* also added one *Instance* more, That there was a *Meeting* at the *Five Bells* in the *Strand*, where was only *West*, *Ferguson*, *Rumbold*, *Goodenough*, and the *Witness*, and then Mr. *Ferguson* told them, That Mr. *Walcot* would come the next *Meeting* they had at Mr. *West*'s *Chambers*, and that he came accordingly, which was while the *King* was at *New-Market*, and consequently before his return.

Here Captain *Walcot* would have begun his *Defence*, but the *Court* told him he was not to break in upon the *King's Evidence*, till that were all heard, and so he *Desisted*.

Mr. *Keeling* Sworn.

Then Mr. *Keeling* being call'd and Sworn, was desired to tell the *Court* and the *Jury*, what he knew of the *Conspiracy*, and the *Prisoner* at the *Bar*; who gave in *Evidence*, That some-time before the *King* went to *New-Market*, he was at the *Sun-Tavern* with *Richard Rumbold*, *Richard Goodenough*, and some others: At what time *Goodenough* call'd him forth, and ask'd him what Men he had procur'd? That the *Witness* ask'd him for what purpose? who Answered, To go down to *New-Market*. That the *Witness* ask'd him again for what end? who Answered, To Kill the *King*, and the Duke of *York*: And then the *Witness* Reply'd, That he thought none. That before the *King* came from *New-Market*, the said *Goodenough* renewed the same *Question* to the *Witness*, who in the mean time had discoursed *Burton* and *Thomson*, and that *Burton* told him, That *Barbar* and *Thomson* would be concerned. That upon the *Friday*, which was the Day that the *News* came of the *Fire*, Mr. *Rumbold* came to the *Witness*'s *House*, to see what Men he could procure, and desired to see them on the *Morrow*, which was the *Saturday* before the *King* returned. That the next Day he met Mr. *Rumbold* upon the *Exchange*, who then put him again in mind of the business; That thereupon he went to *Burton*, *Thompson*, and *Barber*, who met with Mr. *Rumbold* the same Day at the *Miter-Tavern* near *Dukes-Place*; where the

Goodenough asked him what Men he had got to Kill the King.

Rumbold comes to him to see the Men.

substance

ſubſtance of the *Diſcourſe* was, Whether they were willing to go down to his *Houſe*, call'd *The Rye*; the ſaid *Rumbold* alledging, That there was no greater *Conveniency* then that, ſcarce in *England*, for the *Executing* ſuch a *Deſign*, being a *Houſe* very intire to it ſelf, and remote from *Neighbours*, beſides the advantage of a *Court-Wall*. That among other *Diſcourſe*, this was an *Argument* to prevail with thoſe *Perſons*; That it would be a keeping one of the *Commandments*, to Kill the *King* and the Duke of *York*, in regard that unleſs that were done, there would be a great deal of *Bloodſhed* committed. That he there alſo told the way how he had *Deſign'd* to effect it at his *Houſe*. That he had a *Conveniency* for their *Horſes*, and that there would be ſo many appointed to *Shoot* the *Poſtilion*, and their *Horſes*: that there would be ſo many appointed at the *Coach*, and ſo many to attack the *Guards*. That if there was a failer in *Shooting* the *Coach-Horſes*, that then there ſhould be Men in the *Habit* of *Country-men*, with a *Cart* in the *Lane*, and that they ſhould run the *Cart* athwart the *Lane*, and ſo ſtop the *Coach*. That from thence they went to the *Exchange*, and in the *Afternoon* met at the *Dolvin-Tavern* in *Bartholomew-Lane* with *Rumbold*, *VVeſt*, *Goodenough*, and *Hone* the *Joyner*. That after they had been there a little while, *VVeſt* ask'd *Rumbold*, Whether he heard the *King* would come home that *Night*? who anſwered, Yes, he heard ſo: to which *VVeſt* Reply'd, That he believ'd he would not come home till *Monday*, and hop'd he would not return till *Saturday*, which was the Day appointed to go down to the *Rye*, to meet the *King* and the Duke of *York*.; to which *Rumbold* return'd, That he hop'd they would not come back till then. But that then, ſaid *Weſt*, if they do come, How many **Swans Quills** muſt you have? How many **Goose Quills**? And how many **Crows Quills** with **Sand** and **Ink**? To which they Anſwer'd, Six **Swans Quills**, Twenty **Goose Quills**, and Twenty or Thirty **Crows Quills**. That he ask'd *VVeſt* or *Rumbold*, or both, What they intended by it? Who told him, That **Swans Quills** were *Blunderbuſſes*, **Goose Quills** *Muſquets*, **Crows Quills** *Piſtols*, and **Sand** and **Ink** *Powder* and *Bullets*. Which was all he could ſay, as to the *Deſign* in General.

Rumbold's Argument to perſwade *Burton*, *&c.* to the undertaking.

The Method to *Board*.

Being ask'd what he could ſay as to the *Priſoner* at the *Bar*? He Anſwered, That he was at the *Salutation Tavern*, at what time Captain *VValcot* was there. That when he came in, ſomebody call'd him *Gulick*, which when he was not a little ſtartled at, ſome one of the *Company* cry'd, *Here's a Health to our Engliſh Gulick*; Upon which Mr. *VVeſt* ſaid, That *Gulick* in *Dutch*, was the ſame as *Keeling* in *Engliſh*. Adding farther, That he hop'd to ſee Mr. *Keeling* at the Head of as good an *Army* at *Waping*, as *Gulick* was at *Collen*; Which was all he could ſay to the *Priſoner* at the *Bar*.

Here the *Priſoner* ask'd the *VVitneſſes* whether he call'd him *Gulick*? which the *VVitneſs* deny'd, but affirm'd that he was by at the ſame time.

Being ask'd upon what *Motives* he made the *Diſcovery*? He made Anſwer, That ſometime before the *Thing* was *Diſcover'd*, *Goodenough* came to his *Houſe*, and that he went to *Drink* a *Diſh* of

The Motives that induc'd him to make the Diſcovery.

of *Coffee* with him, in the *Company* of *Richard Rumbold*, and his *Brother VVilliam*, which he believed Mr. *VValcot* knew. That when they were by themselves, Mr. *Goodenough* pull'd out some *Papers* out of his *Pocket*, and gave him one for himself. That the *VVitness* ask'd him what he meant? to which the other reply'd, That he had divided the *City* and *Suburbs* into twenty parts, and that there was three *Divisions*, adding withal, That I knew the *Persons* better than he did, and who to trust. Therefore he said, That one was for my self, and that he would have me take to my *assistance* Nine or Ten *Men*, whom I knew to be true: and that then we were to go to several *Persons*, and ask them, Supposing the *Papists* should Rise, or there should be a *General Insurrection*, or a *French Invasion*, Are you in a *Posture* of *Defence*? That at the same time the said *Goodenough* told the *VVitness*, That there was a *Design* to Kill the *King*, and the Duke of *York*, which was *Design'd* to be at the *Bull-Feast*, and that then those Men were to be in a readiness, it being *Design'd*, That the *Thing* should be lay'd upon the *Papists*, as a *Branch* of the *Popish-Plot*. That there was also a *Declaration* drawing, which would relieve *Poor People* of that which seem'd most burthensome to them, which was *Chimney Money*, and that then the *Common People* would fall in with them the more readily. That after he heard these things, he was very much troubled in mind about them, and Declared, That that was the only *Reason* of his *Discovery*. That he thought he did very ill in not *Discovering*, in Regard he had no *Peace* nor *Satisfaction*, nor *Content*, nor could mind his *Business*, nor could take that *Rest* which at other times he did, which was the moving *Cause*, and no other. For he thought, if it were a *Sin* in *David* to cut off the *Hem* of *Sauls Garment*, it was much more a *Sin* in him to Kill the *King*.

Proof of the Cities being divided into twenty parts.

Goodenough discloses to him the Design of Killing the King.

A Declaration to be drawn upon the Grievance of Chimney-Mony, to inveagle the *common* People.

Being ask'd whither there were any *Post* assign'd him, and what was required of him to do? He made Answer, That he was in the first place to Raise some *Men*; that he thought they look'd upon him as one that was to go down with the *Men* he had rais'd; but he did not remember the *Question* vvas ask'd him.

Being ask'd to vvhom he made his *Discovery*? He Replyed, That he offer'd it first to a *Minister* of the *Church of England*, vvhom he thought too careless, and therefore vvent to Mr. *Peckham*; That from thence he vvent to the *Lord of* Dartmouth, and from thence vvas carryed to Mr. *Secretary Jenkins*.

Goodenough tells him of the Design to secure the Major and Sheriffs, and secure the Tower.

He Arrested the Lord Mayor, as a Special Bayliff to the Coroner.

Being ask'd whether there were no *Design* to take off the *Major*, and the *Sheriffs*? He Answered, That as he was told by Mr. *Goodenough*, there was a *Design* to secure the *Lord Mayor* and the *Sheriffs*, as also to secure the *Tower*. And being ask'd about *Arresting* the *Lord Mayor*? He Answered, That he did *Arrest* the *Lord Mayor*, and did it as a *Special Baliff* under the *Coroner*, being put upon it by *Goodenough*.

Here Captain *Walcot* being ask'd by the *Court* what he had to say? made Answer, He had nothing to say:

Zacharius Bourne giving Evidence.

The next *Witness* Sworn was *Zacharius Bourne*, vvho being Svvorn, *Depos'd*, That he came acquainted vvith Captain *VValcot* by means of Mr. *Ferguson*, that Lodg'd at his *House*. That Mr. *VVade* came to him, and told him, He must needs meet at the

the *Green-Dragon* upon *Snow-Hill*, where Captain *Walcot* was with several others, and that the business was a *Design* to raise Men, and divide the *City* into *twenty Divisions*, in order to the securing His *Majesty*, and the Duke of *York*, and setting up the Duke of *Monmouth*; and that as he thought, Captain *Walcot* was there every time. That he was once at the *Salutation* in *Lumbard-Street*, where it was press'd, That all *Expedition* imaginable should be made for the *Raising* of *Men* out of the *twenty Divisions*, into which the *City* was to be divided; but that the *Agitators* were not to tell their business, but only under a pretence to know their *Strength* if there should be *Occasion*, or if the *Papists* should *Rise*. That Mr. *Goodenough* brought an *Accompt* of between *three* and *four Thousand* Men, out of those *Divisions* he had in *Charge*, at what time Captain *Walcot* was there, as also when the *Discourse* of securing the *King* and the *Duke* was a Foot.

Expedition press'd at the *Salutation-Tavern*.

That Captain *Walcot* was at three of the *Consults*, where it was *Design'd* to seize the *Lord Mayor*, the *Sheriffs*, some of the *Aldermen*, and the *Chief Ministers of State* about the *Town*. That Mr. *West* told him, It should be his business to secure the *Lord Keeper*, whom he would call to an *Accompt* with all his Heart, and put him in mind of *Colledge*. But the *Evidence* told him, That he did not care to meddle with any of his *Neighbours*.

Walcot at three Consults to seize the Lord Mayor, &c.

Being ask'd whether he were employed to speak with any of the *Non-Conformist Ministers*? He Answered, He would have spoken to two, but that Mr. *West* was unwilling, saying, The *Ministers* had destroyed all *Designs* ever since *Constantine*'s Time. He further added, That upon the *Monday* after the *Discovery* they met at Colonel *Tracies*, *viz.* Captain *Walcot*, Mr. *Ferguson*, Mr. *Goodenough*, Mr. *West*, Mr. *Norton*, and the *Witness*, and Colonel *Rumsey*; where he left them *Debating* about Killing Mr. *Keeling*, because he had made the *Discovery*. That there was also some *Discourse* of standing to it with their *Swords* in their *Hands*, which they say'd was the better way, then to be *Hang'd*.

Mr. *West* unwilling he should speak to any Ministers, as Destroyers of all Designs.

Keeling to be Kill'd for Discovering.

Here Captain *Walcot* desired that the *Witness* might be ask'd whether he ever heard him say any thing more or less of *Assassinating* the *King*.

To which the *Witness* answered that he did never hear him discourse of that *Matter*; but that he had several times heard a *discourse* of *Lopping*, by which was meant, *Taking off the King and the Duke*, and supposed that the *Captain* had been at the hearing of it too, as being the *Discourse* of several *Meetings*.

To all which Captain *Walcot* made answer, that he had no hand in any Design of securing the King.

Then was Mr. *West* call'd, who being sworn, was ordered to tell the *Court* and the *Jury* the whole *Story*.

Mr. *West* Sworn.

Thereupon he depos'd as follows.

That he came acquainted with the *Prisoner* at the *Bar* the last *Summer Vacation*, by the means of one Mr. *Wilcox*, who return'd his Money out of *Ireland*.

He came acquainted with the Prisoner by the means of Captain *Walcot*.

That the fair *Characters* they heard of one another, enclin'd them to *Intimacy* and *Freedom* of *Discourse*.

That about the middle of *October* he observed a *General Discontent* in the *City*, and was afraid there was some design in hand, and

and being *Inquisitive* to know what it was, he thought fit to enquire of Captain *Walcot*, being informed, That the *Earl* of *Shaftsbury* had sent for him out of *Ireland*. That thereupon Captain *Walcot* told him, That the Earl of *Shaftsbury* was likewise sending for some *Scotch Gentlemen*, under a pretence of business in *Carolina*. That one *Morning* Captain *VValcot* came to his *Chamber*, and Discours'd with him, concerning the *Election* of the *Sheriffs*, carryed on as was thought contrary to *Justice*. That thereupon he put the *Question*, Whether the People would do nothing to secure themselves? That then the Captain told him a *Secret*, That there was a *Design* of an *Insurrection*, within three *VVeeks* or a *Month*, that would set us all free, or worse. That the *Lord* of *Shaftsbury* was engag'd in such a *Design*, and had engag'd him in it, and ask'd him, Whether he would take a *Command*? That at the same time the Captain told him, to the best of his *Remembrance*, That the Earl of *Shaftsbury* had another *Design* upon the *King* and the *Duke* as they came from *Newmarket* in *October*; but that he abhorr'd any such thing, as being ungenerous, and would not be concern'd but only in a *General Insurrection*. That in the *Discourse* of the *Insurrection*, the *Captain* desired the *VVitness* to lend him a *Suit* of *Silk Armour*, which the *VVitness* had bought some *Years* before, and to bespeak him a *stiff Tuck*, which he did, but that the *Plot* being Discover'd, the *Tuck* was left upon his Hands; and that this was about the Ninth of *November*.

Walcot discourses Mr. *West* at his Chamber.

The Earl of *Shaftsbury* designs the Assassination as the King came from *Newmarket*.

That after this he understood by Captain *VValcot*, that Mr. *Ferguson* had the *management* of the *Assassination* in *October*, and that he was likewise acquainted with the *Insurrection*, and was a great Man in it. That among many ways proposed of **Killing** the *King* and the *Duke*, Captain *VValcot* told him, That one was Design'd at the Lord *Mayor*'s *Feast* in the *Hall*, or upon their return home in *Pauls Church-Yard*, or at *Ludgate*, but that the *King* not Dining there, the thing was wholly disappointed, and that Mr. *Ferguson* told him the same thing. Then Mr. *Ferguson* propos'd another way, That it should be done, as the *King* and *Duke* went down the *River*, by *Persons* that were to lye behind some small *Ships* in a *Hoy*, and so over-run their *Barges*, or if that fail'd, to break a *Plank* with their *Blunderbusses*, and so sink them. Another way was, At the *Play-House*, where *Forty* or *Fifty Men* were to get into the *Pitt*, which had *Blunderbusses*, *Pistols*, and *Swords*, and when the *Musick* struck up between the *Acts*, should *Fire* upon the *Box*. But that this way seeming *Hazardous*, they thought it better to do it as he came back, and pitch'd upon *Covent-Garden*, under *Bedford-VVall*, in regard there was a *Conveniency* for a great many Men to Walk in the *Piazza*, and another parcel of Men might be planted in *Covent-Garden-Church-Porch*, and within the *Rails*, where *Horses* could not come, and that while the Men within the *Rails* Fir'd, *Men in* the *Piazza* might engage the *Guards*, while they in the *Porch* came down and prevented them from *escaping*. And that all this was before Mr. *Ferguson* went for *Holland*.

Mr. *Ferguson* manages the Assassination, and the Insurrection.

That afterwards there was another way propounded, and as he thought it was Collonel *Rumsey* who said, that he wondred

that

Lords and *Great men* who were so *fond* of the thing, did not buy somebody an *Office*, who should rail against the *Duke* of *Monmouth* and the Whiggs, and by that means get an *Opportunity* of *Access* to the Kings *Person*. That after the Lord *Shaftsbury* retired into *Holland*, Mr. *Ferguson* did so too, and Captain *Walcot* went with him. That in the mean time the *Witness* met Collonel *Rumsey* several times; and that several things were offered, but nothing resolved upon. That a little after *Christmas* there was a *meeting* at the *Salutation* in *Lumbard Street*, where it was agreed that Mr. *Ferguson* should be sent for, to which purpose the *Witness* wrote a *Canting Letter* to him, that he should come over for his *Health*, for that *He* was the only man that could manage the *Affair*. That after his coming over, there were several *Meetings* at the *Witnesses Chamber*, where Mr. *Ferguson*, Mr *Rumbold* and Mr. *Goodenough* undertook to provide *Men* for the *Assassination*.

Ferguson flies into *Holland*.

He returns and meets at Mr. *Wests* Chamber,

That the *Assassination* was agreed to be done, either upon the *going* to, or *returning* back of the *King* from *New-Market*. Upon which arose several *Debates*. That against *doing* it, upon *going down*; it was objected, that the *Guards* were left here and there, and they went together, but very often they return'd apart, and therefore it was not the safest way *going down*; and besides nothing else being prepared, it was resolved to be done *coming back*. That then it was considered what *Arms* were to be provided, which matter Mr. *Rumbold* undertook to manage and to procure some *Blunderblusses*, some *Carbines* and some *Pistols*, but as for other persons, they were to provide every one for himself. The Witness further added, that he asked Mr. *Ferguson* what provision of *Money* he had made, who answered that he should have *Money* when the *Men* were provided. That there were several debates about the manner of *Conveighance* of the *Arms* to *Rumbolds House*, but no *Resolution* taken. Then it was considered how they should put the *Design* in *Execution*, upon which it was proposed, That *one* party was to fall upon the *Coach-Horses*, a *second* upon the *Coach*, and a *third* upon the *Guards*, and that for Captain *Walcot* he would undertake nothing but the *Guards*.

Several debates, when to execute the design.

Here Captain *Walcot* interrupted the *Witness* with an *Interrogatory*, calling out, *what do you say* Sir? to which the *Kings Evidence* made answer with an *Affirmative*, that the *Prisoner* at the Bar was at his *Chamber*, and said that he vvas to command the Party of *Horse* that vvere to attack the *Guards*, vvho vvere to lye *perdue* at *Rumbolds* House, till the *King* just came dovvn upon them.

Capt. *Walcot* would undertake nothing but the Guards.

Being asked vvhere the *Arms* vvere to be carried? He said to *Rumbolds* House, vvho said he could keep them all private vvhere no body could see them till the time of *Execution*; that there vvas a *Gate* vvhich he could shut upon the *Guards* to prevent their coming into the *Rescue*, that Mr. *Rumbold* said he vvould bring them off, and because it vvas dangerous for them to go the road vvay, he vvould carry them over the *Meadows*, and come in by *Hackney Marsh*.

Walcot's way to get off when the busi-nes was done.

But the way which the *Prisoner* at the *Bar* did most approve of, was to retire within the Wall, and there keep close till night, as being a place which they could defend against any force for a days time; and that this *Resolution* was taken at his *Chamber*.

Then the *Witness* recollecting himself, told the Court, there was one thing which he had omitted, which was that in the first Discourse with Captain *Walcot* concerning the *Insurrection* in *November*, the *Prisoner* at the Bar told him, that the Lord *Shaftsbury* was preparing a *Declaration* to be published, in case of an *Assassination* or *Insurrection*, and asked him if he would undertake to draw one, telling him, that he had made some *Collections* toward it himself, and shewed him a *Paper* which was a *Collection* of all the *Passages* in the *Raigns* of King *James*, K. *Charles* the *First* and this *King*, which he called *Attempts* to introduce *Arbitrary Government* and *Popery*, taxing them with some personal *Vices*, and concluding that the *Government* was Dissolved, and that therefore they were free to settle another, to which the *Witness* made answer, that such an *Undertaking* required an exact *Knowledge* in *History*, and that he would not undertake a thing for which he was not *Competent*, and that hereupon Captain *Walcot* desired him to burn the Paper which he did.

Mr. *West* refuses to draw a *Declaration*.

Being asked what *Meetings* there were after the *disappointment*? He answered, that when the *News* of the *Fire* came, they Adjourned to his *Chamber* and there considered what they had to do, and endeavoured to put things in a posture to see if it could be done another day. To which purpose as far as he could remember, they met *Thursday* and *Friday* Night. But because they said the *King* would be at home the next day, the business was laid aside.

The reason why the *Arms* were called *Swans-Quills*, &c.

That about a day or two after he met Collonel *Rumsey* at the *Dolphin Tavern*, at what time Mr. *Keeling* came in; that there Collonel *Rumsey* was talking of *Pistols* and *Blunderbusses* in down right *English*. That thereupon the *Witness* admonished them, that it was a foolish thing to talk so before *Drawers*, which was the occasion of calling them by the *Names* of *Swans-quills*, *Goose-quills* and *Crows-quills*. That the next week the *Prisoner* at the Bar Mr. *Goodenough*, Mr. *Ferguson*, one *Norton*, and one *Ayliff* met at the *George* and *Vulture*; where, after some *discourse* of the late *Disappointment*, the reason of which was that they had not *Arms* in *Readiness*, they agreed that *Arms* should be bought, ten *Blunderbusses Twenty* or *two and Twenty Inches* in the *Barrel*, *Thirty Carbines Eighteen Inches*, and *Thirty Cases* of *Pistols* of *Fourteen Inches*. That the *Witness* was ordered to provide these *Arms*, because he could be no other way serviceable to them, and could have a *pretence* for *buying* them, because he had a *Plantation* in *America*. That he did bespeak the said *Arms* and pay for them, but had not his money a good while after, but at length was paid *Fourscore* and *Thirteen Guneys*, which was something more then the *Arms* cost; and that he believed the Money was paid by Mr. *Charleton*; That in case the *Assassination* had gone on, they had designed to Kill the Lord *Maior* and the

Sheriffs,

Sheriffs, as many of the *Lieutenancy* as they could get, and the *Principal Ministers* of *State*. The Lord *Rochester*, as being like to ſtand to the *Duke's Intereſt*; The Lord *Keeper*, becauſe he had the *Great Seal*, whom they alſo intended to hang upon the ſame *Poſt* that *College* was hang'd upon, for his *Death*. The Lord *Hallifax*, as being one that profeſt himſelf of the *Party* before, and turned from the *Right ſide*. That Sir *John Moore* was to be *kill'd* as a *Betrayer* of the *Rights* and *Liberties* of the *City*, that the *Judges* were to be flead and ſtuft, and hung up in *Weſtminſter Hall*; and ſeveral of the *Pentionary Parliament*, as *Betrayers* of the *Rights* of the *People*. And that the *Priſoner* at the *Bar* was ſometimes at theſe *Meetings*, when theſe things were diſcourſed of, though not ſo often as the reſt.

The Mayor, Sheriffs, &c. to be killed, as alſo the Earl of *Rochester*, Lord *Keeper*, Lord *Hallifax*, Sir *John Moor*.

That after the *News* of the *Fire*, the *Priſoner* ſaid that he believed God ſhewed his *Diſappointment* of theſe things, and deſired to have his Name concealed, upon which Mr. *Ferguſon* ask'd him, why he ſhould be aſhamed? ſaying that it was a glorious *Action* which he hoped to ſee publickly gratify'd by the *Parliament*, and queſtioned not but the *Priſoner* would be fam'd for it, and have *Statues* erected for him, with the *Title* of *Liberator Patriæ*.

The *Witneſs* farther added, that when the *Mayor* and *Sheriffs* were killed, they deſigned that Mr. *Papillion* and *Dubois* ſhould be fore'd to take the *Office* of *Sheriffs* upon them, which if they refuſed to do, they ſhould be uſed as the reſt, and that Sir *Thomas Gold*, Sir *John Shorter*, or Alderman *Corniſh*, ſhould be ſet up for Lord *Mayor*, but rather Alderman *Corniſh* as the fitter *Perſon*. That being asked by the *Witneſs* what they intended to do with the Kings *Natural Sons*, they ſaid they were good luſty Fellows, and would ſerve for *Porters* or *Watermen*, and that for the Lady *Ann*, they would marry her to ſome Country *Gentleman* for a *Breed* to keep out *Forraign Pretences*.

Papillion and *Dubois* deſigned Sheriffs, and Ald. *Corniſh* Mayor.

Being ask'd what he knew as to the *Continuation* of the *Riſing*, and whether it were *continu'd*? He made Anſwer, That about *Chriſtmas*, Colonel *Rumſey* told him there was a *Deſign* carrying on among the *Lords* and *Great Men*, by whom he always underſtood the Duke of *Monmouth*, the Lords *Ruſſel*, *Grey*, and *Howard*, Colonel *Sidney*, Mr. *Wildman*, and Mr. *Hampden*, for an *Inſurrection* which was *Deſign'd* to be done about *March*. That Colonel *Rumſey* and he *Diſcourſing* of it, the Colonel thought fit to draw up ſome things that were to be requir'd in behalf of the *People*, which was done, but that the Lord *Ruſſel* ſaid it was rejected, in regard that all ſhould be left to the *Parliament*.

The Deſign continu'd and carryed on by the Lords, *&c.*

That at the *Young Devil Tavern*, he met with the *Priſoner* at the *Bar*, Colonel *Rumſey*, Mr. *Wade*, Mr. *Goodenough*, and one *Holloway*, a *Merchant* of *Briſtol*; where Mr. *Holloway* propos'd, That ſince the *Scotch Buſineſs* was broken off, they ſhould try what *Forces* they could *Raiſe* here. He farther added,

Mr. *Holloway* propoſes to try what Forces they could raiſe without aſſiſtance from *Scotland*.

That the *City* was to be divided into twenty parts, and every twentieth part into fourteenths, and fifteenths, and the *Streets* and *Lanes* were allotted out. That one *Principal Man* was to have a twentieth part, and ſo many *Men* under him; and that they might not interfere one with another, they bought a great

Map

Map of the *City*. That at one of the *Meetings*, Mr. *Goodenough Reported*, That there were 1500 Men out of two of the *Hamlets*, and that there were ſeveral *Meetings* about this *Affair*; And being ask'd whether the *Priſoner* was at thoſe ſeveral *Meetings*? He Anſwered, Yes, and that he ſhew'd himſelf ready to act his part.

A Meeting after the Diſcovery.

Being ask'd whether they met after the *Diſcovery*? He Anſwered, That on the *Monday Morning* next, after the *Diſcovery*, of which he had notice upon the *Sunday* before, he met pretty early at Captain *Walcot*'s *Lodging*, whether ſoon after came all the reſt who had agreed to meet, but that they *Deſign'd* to go beyond *Sea*; But underſtanding the *Meſſengers* were abroad, and believing the *River* was beſet, every Man ſhifted for himſelf. That being thus retired, they got Mr. *Keeling* into the *City*, that *Rumbold* Diſcours'd him in the preſence of ſeveral *Perſons*; but that Mr. *Keeling* wiſhed a great many *Imprecations* upon himſelf, if he had Diſcover'd. That then, after ſome *Diſcourſe* of *Killing* him, they propos'd to him to go out of *Town* which he refuſed. That the ſame Night they trac'd him from place to place, and finding that he was gone to the *Secretaries Lodgings*, they took it for granted that the *Diſcovery* was made, and that every Man muſt ſhift for himſelf. That upon that, Mr. *Wade* ſaid, That if the Duke of *Monmouth* would go into the *Weſt*, they might try a puſh for it ſtill, and that the *Priſoner* at the *Bar* ſaid, That he was ſatisfi'd God would deliver the *Nation*, but that he did not approve of the preſent *Inſtruments*.

Walcot ſatisfyed, that God did not like the preſent Inſtruments, but would deliver the Nation.

Thus the ſum of what was faſtned upon the *Priſoner* was, That he was at ſeveral *Conſults* about *Killing* or *Securing* the *King*. That he went down to *Rumbold*'s *Houſe*, to view the place where it might be done with moſt ſafety, and that he undertook to *Fight* the *Guards*, if he might have a conſiderable number of Men.

To this Captain *Walcot* Pleaded, That he never was at *Rumbold*'s *Houſe*, but once as he *Travell'd* from *York* by *Norwich*, and ſo to *London*.

To which Colonel *Rumſey* Reply'd, That the *Priſoner* did buy a *Horſe*, and ſaid he intended to go down, and to the beſt of his *Remembrance*, ſaid, He was down. But that he bought a *Horſe* which coſt him 20 *l.* for that purpoſe he was certain.

But the *Priſoner* ſtill denying the *Matter of Fact*, and Pleading that he lay *Sick* of the *Gout*, all the while the *King* was at *New-Market*, a *Letter* was produc'd under his own hand to Sir *Lionel Jenkins*, *Secretary of State*, purporting, 'That being trou-

A Letter under his hand to Sir *Lionel Jenkins* produced.

'bled to ſee himſelf in His *Majeſties Proclamation*, he reſolv'd 'to lay himſelf at His *Majeſties Feet*, let him do with him what 'he pleas'd; and acknowledging his *Crime*, which he ſays was 'the firſt that he had Committed ſince his *Majeſties Reſtauration*, 'he purpoſed to Diſcover to him all that he knew Relating to '*England*, *Ireland*, and *Scotland*, which he ſuppoſed might be 'more then the *Original Diſcoverer* was able to acquaint His *Ma*-'*jeſty* with; And farther, That if His *Majeſty* thought fit, he 'would follow thoſe *Lords* and *Gentlemen* who were fled, and as 'ſoon as he could, would inform His *Majeſty* what meaſures 'they intended to take next. Otherwiſe he Reſolved to give His

'*Majeſty*

'*Majeſty* no farther trouble, but to lye at his *Mercy*, let him do 'with him what he pleas'd.

Then Captain *Richardſon* being Sworn, made *Oath*, That on *Sunday Night* Captain *Walcot* ſent for him, and ſeemed very deſirous to wait upon His *Majeſty*, and to unboſom himſelf to the *King*. That *Yeſterday Morning* his Son coming to him, he ſent his *Clark* along with him to his *Father*, who Diſcovered a little *Paper* in his *Hand*, which he had intended to have given to his Son, which afterwards the *Priſoner* deſired him to make no uſe of ſince he had Diſcovered it. The *Letter* was to Captain *Tracy* his *Landlord*, to ſpeak to Colonel *Rumſey*, to be tender of him, and to tell him he had *Ground* enough to ſerve the *King* upon other Men, and to ſpeak to Mrs. *Weſt*, to deſire the ſame thing of her *Husband*; and that the laſt words of the *Note* were, *If you cannot be private, leave the Iſſue to God.*

Cpt. *Walcot* ſends for Captain *Richardſon.*

To the whole the *Priſoner* Pleaded, That the *Witneſſes* had made long *Speeches*, though very little, and yet too much Relating to him; Of a *Deſign* to *Aſſaſſinate* the *King*, and carry on a *War*, when he was out of the *Kingdom*; Of a *Declaration* drawn up at Mr. *Shepherd*'s *Houſe*, and of things not being ready upon Mr. *Trenchard*'s *failing*, when he was in *Holland.*

The Priſoner pleads his being out of *England.*

That as to his undertaking to Charge the *Guards* when he came into *England*, it was an improbable thing, for that he knew there was no difference between *Killing* the *King*, and *ſecuring* the *Guards.* But it was plain, That the *Witneſſes* had ſufficiently dipp'd themſelves, and therefore to ſave their own Lives, they had combin'd to take away his.

He denyed that the *Witneſs* made it out, That he was privy to Mr. *Goodenough*'s *Notes* about *Raiſing* of *Men*, or that he knew any of them.

He denyes himſelf privy to *Goodenoughs* Notes.

That the *Meetings* at his *Lodging* were by Colonel *Rumſey*'s *Appointment*, of which he knew nothing; and that he came among them accidentally ſometimes only to hear *News*; neither was any thing agitated there that he knew of concerning *Killing* the *King*, or *Levying War.* He confeſſed he heard there was a *Deſign* by a great many *Lords* and *Gentlemen*, and others, for aſſerting their *Liberties* and *Properties*, but that he never was in any *Conſultation* with them, or any *Meſſage* to them, or ever ſaw the Face of any of thoſe Lords that were ſaid to be concern'd; and therefore it was improbable that he ſhould be ſo far concern'd as the *Witneſs* ſeem'd to repreſent him.

Being ask'd why he frequented the Company where he heard thoſe things? He Anſwered, It was his *Folly*, and conceiv'd it was only *Miſpriſion of Treaſon*: For it was true, he had heard a great deal of what the *Witneſſes* had ſaid touching an *Inſurrection*, but that he had no hand directly or indirectly in it, nor did the *Death* of the *King* ever enter into his thoughts directly or indirectly; And that when ſome *Gentlemen* talk'd to him of it, he abominated it as a *Scandalous Thing*, a reproach to the *Proteſtant Religion*, and that his *Children* would bear the reproach of it. But the *Court* told him he fail'd in his *Law*, for though to hear of *Treaſon* accidentally or occaſionally and conceal it was but *Miſpriſion*, yet if a Man would be at a *Conſult* where *Treaſon*

was Hatch'd, and then conceal'd it, he was then Guilty of *Treason* it self.

He alledges his undertaking in his Letter, to be upon his intimacy with Mr. *Ferguson*.

The *Jury* then desiring he might be ask'd what he had to say to the *Letter*? the *Prisoner* made Answer, That what he promised he undertook upon his *Intimacy* with Mr. *Ferguson*, by whose means he believ'd he should have an *Interest* with the rest. That he did according to his promise, give an *Accompt* of what he had heard, but that the *King* was not pleas'd with him, because he did not descend to particulars, which he could not do, in regard he had never been in their *Company*, nor knew any thing but what he had by a *private hand*.

As for his *Confession* that *it was his first Crime*, it was only as far as *Misprission* went, having never acted or intended the *Treason*.

He produces a Witness about his *Gout*.

In the last place he produc'd one *Witness* to prove when he fell ill of the *Gout*, and how long it continu'd; who said, That he could not certainly tell, but believ'd it was about *three Months*; nor could he certainly tell when it began.

He is found Guilty.

After this, the *King*'s *Serjeant* having summ'd up the *Evidence*, the *Lord Chief Justice* gave his *Charge* to the *Jury*, who after about half a quarter of an *Hours Consideration*, return'd, and brought the *Prisoner* in *Guilty*.

THE

THE Charge and Defence OF William Hone.

UPON *Friday* the 19*th.* of *July*, *William Hone* having been *Arraign'd* the Day before, and after some frivolous *Evasions* pleaded not *Guilty*, was brought to his *Tryal* for *Conspiring* and *Intending* the *Death* of the *King*, and the *Subversion* of the *Government*, and for providing himself with *Arms* to that purpose. To this being a second time asked according to the usual *Custom*, whether *Guilty* or not *Guilty*, he would have *retracted* his *Plea* of not *Guilty* and pleaded *Guilty*. Upon which being demanded by the *Court* whether he did confess the whole *Indictment*? He answered *Yes*, but being asked again whether he confessed that he did conspire the *Death* of the *King*, and provide *Arms* to do the *wicked Act*? He answered that he did not provide any *Arms*, that his *Deposition* before Sir *William Turner* was true, and that he was asked by Mr. *Richard Goodenough* to go along with him, that he asked whether? and then understood it was to kill the *King* and the *Duke* of *York*, but was not told the place.

Hone desires to retract his *Plea* and plead *Guilty*.

Which not being taken for a full *Confession*, the *Kings Serjeant* desired he might be tryed. So that the *Jury* were sworn without any *Challenges*.

Nicholas Charleton	*William Rutland*
Christopher Pitts	*Thomas Short*
Robert Beddingfield	*Theophilus Man*
John Pelling	*John Fenew*
William Winbury	*John Short*
Thomas Seaton	*Thomas Nicholas.*

Which done and the *Endictment* opened, Mr. *Josias Keeling* was sworn, who declared, that he saw the *Prisoner* at the *Dolphin Tavern*, where the *Arms* were agreed upon. That at the same time were present Mr. *West*, Mr. *Goodenough*, and Mr. *Rumbold*, and that he remembred the *Prisoner* particularly. That it was then discoursed of the *Kings* coming home from *Newmarket* the *Saturday* after the *Fire*, and the several *Reports* of the *Town* concerning it. That upon their hopes that the *King* would not return upon *Munday*, Mr. *West* asked *Rumbold* how many *Swans-quills*, *Goose-quills* and *Crows-quills*, and what *Sand* and *Ink* he must

Mr. *Keeling* Sworn.

must have; and that the *Prisoner* was by, and heard all the *Discourse*. Being asked what was meant by all that? He answer'd, that by *Swans-quills* were meant *Blunderbusses*, by *Goose-quills*, *Muskets*, and by *Crows-quills*, *Pistols*, and by *Sand* and *Ink*, *Powder* and *Bullet*. That after that *Meeting* the *Prisoner* took *acquaintance* with him, and after some time told him, that he was one of those that was to *Assassinate* the *King*. That after that, at a *Coffee-House* in *Swithins Alley*, the *Prisoner* told him, that it would never be well till the *Black-bird* and the *Gold Finch* were *knock'd o'th Head*, and that asking him what he meant by those *Terms*, he answered the *King* and the *Duke* of *York*.

He told the Witness he was put down to Assassinate the King.

Then the *Prisoner* being admitted to ask the Witness any *Questions*, he said that he own'd it as to the *Black-Bird*, but that as to the *Goldfinch* he never heard a word of it till then.

Mr, *West's* Testimony.

Mr *West* being sworn, declared that he was at the *Meeting* before mentioned when Mr. *Keeling* came in; that several things were said of *Swans-quills*, &c. but that this Man did not come in till that *Discourse* was over, and that he was sure he did not speak of any thing of that nature before this *Man* in his *Life*. That Mr. *Goodenough* did undertake to provide the *Man*, and said he would try him whether he would attempt upon the *Duke* without the *King*. That he asked the *Prisoner*, whether he had seen Mr. *Goodenough*? Who answered, that he had; and that he had spoke to him about a little *Fob* for the *Duke*; and that Mr. *Goodenough* said he had spoken to him fully about the thing. That he saw him often in the Company of *Manning*, who was design'd to be another of the *Assassinaters*. That being once at his *Chamber*, the *Prisoner* said to him, *Master, shall we do nothing?* adding, that if the Duke of *M.* would be but true, and appear, he would bring 50 or 60 *honest Men* of the other side of the *Water*, who would do the business. That upon asking him what *business?* he answered either a *Brisk Push*, which the Witness took for an *Insurrection*, or the two *Brothers*. That upon asking him what two *Brothers* he meant? He reply'd, the *Captain* and *Lieutenant*, which were the *Terms* they us'd since the *Van Herring* was Printed. Here Mr. *West* put in, that he thought the *Prisoner* was a *good honest Fellow* before that time, but that he thought he was deluded by *Goodenough*.

Upon which the Lord *Chief Justice* ask'd him, whether he came to justifie those things?

Mr. *West* reply'd that he had been basely deluded, and that he was sorry for the *poor Fellow*.

Which caus'd the Lord *Chief Justice* to tell him that it was an *unusual thing* for men in his *Condition* to use such *Expressions* in such a *Case*. And being afterwards told by the *Kings Serjeant*, that he found him not worthy the *Mercy* the *King* had shewn him, then Mr. *West* reply'd. *that it was a word he put from him unawares.*

Sir *Nicholas Butler* proves the Prisoner always ready for such evil design.

Then Sir *Nicholas Butler* being sworn, declared, That he had known the *Prisoner* for many Years, and had always known him Guilty of *Plotting* and *Contriving*, and upon all occasions ready to embrace any thing for those purposes laid to his *Charge*. Particularly, that when Sir *Francis Chaplain* was Lord *Mayor*, and that the *King* stood at Mr. *Waldo's*, the *Angel* being much

shaken

ſhaken, the *Priſoner* came to his *Houſe* and told him, that now they had a fair *Opportunity* to take off the *King* and the *Duke* at once; to which purpoſe there were to be half a dozen with *Croſs-Bows*, who would go into the *Steeple*, where there was a Window juſt oppoſite to the *Balconey*. That thereupon he went to the *King* and the *Duke* of *York*, and gave them this accompt, and deſired them to ſet ſome to watch the *Place*, and to ſearch if any were got into the *Steeple* before they came. That one *Horſel* was appointed to watch them accordingly, but none came. And that when he was examined before the *King*, the *Priſoner* confeſſed all thoſe things.

Captain *Richardſon* being ſworn gave evidence, That he went along with Sir *Nicholas* when he examined the *Priſoner* as to this thing. Who then ſaid, that Mr. *Goodenough* came to him and told him he wanted *Lowerers*. That Mr *Goodenough* told him, it was to kill the *King* and the *Duke* of *York*, and that he confeſſed he did agree to be one of the Perſons would undertake it; and that *Goodenough* promiſed him *Twenty Pound* to buy him an *Horſe* and *Arms*. That he confeſſed the buſineſs of *Rye*, which place he did not know, but ſaid it was the place where the *King* was to be murder'd.

He agrees with *Goodenough* to kill the King and the Duke of *York*.

To all this the *Priſoner* ſaid little or nothing, only that he did not know the place where, nor when it was propoſed about the *Rye*, and that he was drawn into it by Mr. *Goodenough*.

That as to the *Croſs-bows*, he was only told it, but never deſigned it.

Being asked what *Religion* he profeſſed, he anſwered, That he heard ſometimes *Baptiſts*, ſometimes *Independents*, and ſometimes *Preſbyterians*.

After a ſhort *Charge*, the *Jury* brought him in *Guilty*, without ſtirring from the *Bar*.

THE

Charge and Defence

OF THE

Lord RUSSEL.

THE ſame *Fryday Morning* being the 13*th* of *July*, the Lord *Ruſſel* was ſet to the *Bar*, within the *Bar*.

He was charged as were the former, for *compaſſing*, *imagining* and *intending* the death of the *King*, and the *Subverſion* of the *Government*.

To this being required to plead, he deſired that he might have a *Copy* of what was laid to his *Charge*. But the *Court* informing him, that they could grant nothing till he had pleaded, he then pleaded not *Guilty*.

Which done, he told the *Court* that he thought no *Priſoner* had been *Arraigned* and *Tryed* at the ſame time: and urged that he had been a *Cloſe Priſoner*. To which the *Court* replied that it was continually done in *Crimes* of this *Nature*: and it was farther told him, That he has had a great deal of *Favour* ſhewn him already, in that he had been acquainted with his *Crimes*, and that he had had the *Liberty* of *Counſel*, which had not been known granted to any under his *Circumſtance*.

The Court makes him ſenſible of the favour ſhewn him.

The *Priſoner* alledged that he had only heard ſome *general Queſtions*, and that he had *Witneſſes* which he believed would not be in Town till Night, and therefore thought it very hard that he could not have one day more.

To which it was anſwered that he had notice upon the *Monday* was a ſeven night before, and that the *Queſtions* he was examined upon, where a favour to him, that he might know the matter he was charged with, and therefore if the *Kings Counſel* did not think it fit, the *Court* could not put off his *Tryal*.

He deſires a Copy of the Pannel which was proved to be delivered to his Gentleman.

The next thing he deſired was a *Copy* of his *Pannel*, to which the Lord *Chief Juſtice* replied that it had been ordered him, and the *Attorney General* ſaid that he had indulged him ſo far, that he might have a *Note* of the Men returned: The *Secondaries* alſo affirmed, that they had delivered it to his *Gentleman*. To which my Lords *Gentleman* made anſwer that he had only ſome Names out of a *Book*. Whereupon my *Lord* inſiſting that he had no *Pannel* but only ſome Names of *Perſons* uſually upon *Juries*, it was told him by the *Court* that no other *Pannel* could be given him, and then the *Secondary* being ask'd *affirmed*, that he had had the *Copy* of a *Hundred Names*.

Never-

Nevertheleſs his *Lordſhip* ſtill urging for a *Copy* of the *Pannel*, and that his *Tryal* might be put off till the *afternoon*, in regard he had a *Witneſs* that was not in *Town*, the Lord *Chief Juſtice* condeſcended ſo far as to ask the *Attorney General*, why the *Tryal* might not be reſpited till the *Afternoon*? But the *Attorney General* giving no *Anſwer* to it, the *Court* Proceeded.

Then the *Priſoner* deſired to know whether he might have *Pen* and *Ink*, and a perſon allowed to write for him; to which it was anſwered him, that he might have two if he pleaſed. He is allowed *Pen* and *Ink* and two to write for him.

Sir *Andrew Foſter* being then called, he ſaid that his Name was not in his *Liſt*; but it was replyed that he was not called as one of the *Jury*.

After which, the *Court* Proceeding to call the *Jury*, and *John Martin* being named, the Lord *Ruſſel* asked whether he were a *Freeholder* of *Forty Shillings* a *Year*; ſaying that He thought that none were allowed but ſuch as were *Freeholders*. The Priſoner inſiſts upon *Freeholders*.

To this the *Court* replyed, that no *Pannel* was made in *London* by *Freeholders*, for that the *Eſtates* in *London* belonging either to the *Nobility* and *Gentry* that liv'd out of it, or to *Corporations*, *London* was excepted.

To this the *Priſoner* urged the *Statute* of the 2 of *Henry 5th.* wherein he ſaid it was poſitive that in caſes of *Life* and *Death*, no man ſhould be judged but by thoſe that have *Forty Shillings* a Year.

But the *Attorney General* not allowing the *Priſoners Exception*, the Lord *Ruſſels Counſel* were called and aſſigned him again by the *Court*, Mr. *Poluxfen*, Mr. *Holt* and Mr. *Ward*; who after they had learnedly argued what they took to be the *Law* in that caſe, were ſo fully anſwered by the *Kings Counſel*, that it was adjudged by the whole *Court*, that in caſe of *Treaſon*, *Freehold* was no good *Cauſe* of *Callenge*. However it was told him he would have as good a *Jury* and better then he would have had in the *Country*, of four pound a Year *Freeholders*. The reaſon of the *Law* being, to the end no ſlight Perſons ſhould be put upon the *Jury*, where the *Life* or *Eſtate* of a *Man* comes in *Queſtion*, but that in the *City* the *Perſons*. Impannelled were Men of *Subſtance*, who had a great deal to loſe, and therefore his *Lordſhip* had the ſame in *Effect*, as if a *Challenge* were allowed of a *Freeholder*. And this was the *Opinion* of eight of the *Judges* being preſent.

This *Diſpute* being over, the *Jury-Men* were call'd, and after the *Priſoner* had challenged one and thirty, the following perſons were ſworn. The *Jury* ſworn.

John Martin	*William Butler*
William Rouſe	*James Pickering*
Fervas Seaton	*Thomas Feve*
William Faſhion	*Hugh Noden*
Thomas Short	*Robert Brough*
George Toriano	*Thomas Oneby.*

The *Jury* being thus ſworn, and the *Indictment* opened by the *Kings Counſels*, Collonel *Rumſey* was firſt ſworn; who gave in *Evidence*.

That

That about the latter end of *October* or beginning of *November*, he was at the Lord *Shaftsbury*'s *Lodgings*, where he lay near *Wapping*, and that he told him, there were met at one Mr. *Shepheard*'s House, the *D.* of *M.* the Lords *Russel* and *Grey*, Sir *Tho. Armstrong* and Mr. *Ferguson*. That his *Lordship* desired him to speak to them, to know what *Resolution* they were come to about the *Rising* at *Taunton*. That he went to Mr. *Shepheards*, who carryed him up where they were, and that the Answer which was then made him was, That Mr. *Trenchard* had fail'd them, and there would be no more done in the *Matter* at that time: for that he had promised a *Thousand Foot*, and *Three Hundred Horse*, but could not perform it, and therefore that the Lord *Shaftsbury* must be content. That Mr. *Ferguson* spoke most of the Answer, and that as far as he remembers, the Lord *Grey* said something to the same purpose; but that the Lord *Russel* and the Duke of *Monmouth* were present; and that thereupon the Lord *Shaftsbury* prepared to be gone.

Being ask'd how long he was at Mr. *Shepheards*? He said, About a Quarter of an Hour.

Being ask'd what *Discourse* happened while he was there? He Answered, He was not certain whether he heard it there, or whether Mr. *Ferguson* Reported to the Earl of *Shaftsbury*, that they had debated it there.

The Guards undertaken to be view'd, and the Prisoner then present.

The *Witness* farther added, That there was some *Discourse* by all the *Company* that was there, about seeing in what posture the *Guards* at the *Savoy* and *Mews* were: which was first began by Sir *Thomas Armstrong*, and Mr. *Ferguson*, and the business undertaken by the Duke of *Monmouth*, the Lord *Grey*, and Sir *Thomas Armstrong*, and that the *Prisoner* was there when they undertook to take the view.

The Rising to have been on the 19*th*. of *November*.

As to the *Rising* he farther added, That it was to have been the 19*th*. of *November*, that it was determined, and that he was to have gone to *Bristol* by the order of the Earl of *Shaftsbury*.

Being ask'd whether the Lord *Russel* gave his consent? the *Witness* made Answer, He did.

The Lord *Russel* being now permitted to ask the *Witness* what *Questions* he pleas'd, desired to know whether he gave any Answer to the *Message* about the *Rising*? The *Witness* Reply'd in the *Affirmative*, That the *Prisoner* did speak about the *Rising* at *Taunton*.

And then being ask'd by his *Lordship*, Whether he in particular gave his consent to the *Rising*? he again confirmed what he had said before.

Mr. *Shepheard* being Sworn, Declared, That in *October*, as far as he remembred, Mr. *Ferguson* came to him in the Duke of *Monmouths* name, and desired the conveniency of his *House* for him, and some other *Persons* of *Quality* to meet. That in the *Evening* came the Duke of *Monmouth*, the Lords *Grey* and *Russel*, Sir *Thomas Armstrong*, Colonel *Rumsey*, and Mr. *Ferguson*. That Sir *Thomas Armstrong* desired him, that none of his *Servants* might come up, but that they might be private. That the *Substance* of their *Discourse* was, How to surprize the *Guards*, in order to which, as far as he remembred, the Duke of *Monmouth*,

The Duke of *Monmouth*, the Lord *Grey*, and Sir *Thomas Armstrong*, go to view the Guards.

the

the Lord *Grey*, and Sir *Thomas Armstrong*, went one Night to the *Mews* to view the *Guards*. That the next time they came to his *House*, he heard Sir *Thomas Armstrong* say, *That the* Guards *were very remiss in their places, and not like* Souldiers, *and that the thing was feasible if they had strength to do it.*

Being ask'd whether they came in *Coaches*, and in the *Dark*? He Reply'd, That they came in the *Evening* imediately one after another, but he did not let them in.

Being ask'd whether the *Prisoner* were there both times? He Answered, Yes, to the best of his remembrance.

Being ask'd whether there were any *Coaches* at his *Door*? He Answered, None that he saw.

A Declaration read, setting forth the Grievances of the Nation.

Being ask'd whether he remembred any *Papers* read at that time? He Answered, upon Recollecting his *Memory*, That there was a *Paper* in the *Nature* of a **Declaration**, setting forth the **Grievances** of the *Nation* read by Mr. *Ferguson*, but who was present at the *Reading*, whether all or no, he could not remember; particularly he could not say the Lord *Russel* was there at the reading it.

The L. *Howard* being next Sworn, gave a long *Evidence*, The sum of which was after he had made a *Recapitulation* of several *Designs* of the Earl of *Shaftsbury*, that upon the Earl of *Shaftsbury's* withdrawing, those *Persons* who were concern'd, began to lye under the same *Apprehensions* that the Earl of *Shaftsbury* did. That they had gon too far and Communicated the *Design* to so many, that it was unsafe to make a *Retreat*, That therefore it being considered, that so great an *Affair*, consisting of so many nice particulars, could not be managed but by some general *Council*, that should take care of the whole, they resolved to erect a little *Cabal* among themselves, consisting of six *Persons*, which were the Duke of *Monmouth*, the Lord *Russel*, the Earl of *Essex*, Mr *Hampden* Junior, *Algernoon Sidney*, Esq; and *Himself*.

That these six *Persons* met about the middle of *February*, at Mr. *Hampden's* *House*, where it was agreed what their *Business* was, which was, to take care of the whole. That as to particulars, the things that Challenged their care should be, Whether the *Insurrection* were most proper to be begun in *London*, or in the *Country*, or both in an *Instant*?

What *Countries* & *Towns* were *fittest*, & most *dispos'd* to *Acti n.*

What *Armes* were necessary to be got, and how to be disposed.

How to *Raise* a *Common Bank* of 25 or 30000 *l.* to answer all Occasions.

And lastly how to order it so, as to draw *Scotland* to consent with them, it being thought necessary that all *Diversion* should be given.

A Council of six erected, of which the Prisoner one.

A second meeting at the Lord *Russel's* House.

That there was another *Meeting* of all the same six *Persons* ten days after at the Lord *Russel's House*, where they came to a *Resolution*, That some *Persons* should be sent to the Lord *Argyle*, to settle an *Understanding* with him, and that some *Messengers* should be send into *Scotland* to invite some *Persons* hither, that were judged most able to understand the *State* of *Scotland*, and give an *Accompt* of it. That the *Persons* agreed on were Sir *John Cockrane*, and the Lord *Melvin*, with one more, whose Name he

since understood to be Sir ——*Campbel*. And that in *Discourse* it was refer'd to Colonel *Sidney*, to take care of that *Business*.

That afterwards Colonel *Sidney* told him, he had sent *Aaron Smith*, and given sixty *Guineys* for his *Fourney*.

The Lord *Russel* at the Meeting about *Scotland*, and consented to it.

Being ask'd whether he was sure the Lord *Russel* was at that *Meeting*? He Answered, That he wish'd he could not say it.

Being ask'd whether he consented? the Lord *Howard* made Answer, That they did not put it to the *Vote*, but it went without *Contradiction*, and he so took it, that all that were present gave their consent.

The Lord *Russel* being now permitted to ask the Lord *Howard* any *Questions*, said, That what the Lord *Howard* had said of him was only *Hearsay*. That the two times they met, it was upon no formed *Design*, only to talk of *News* and *Things* in *General*. That the Lord *Howard* was a Man of a *voluble Tongue*, *talk'd well*, was full of *Discourse*, and they were delighted to hear him. That for the *Scotch Gentlemen*, he never saw any of them, only the Lord *Melvil* he had seen, but not upon this *Accompt*. There the *Attorney General* urg'd, That *Aaron Smith* did go into *Scotland*, and that *Campbel* he went for was taken, and then call'd Mr. *Atterbury* the *Messenger* to prove his *Apprehension*; who being Sworn Declared, That Sir *Hugh Campbel* was then in his *Custody*, and that he had been by his own *Confession* four days in *London* before he was *Apprehended*.

Mr. *Atterbury* swears Sir *Hugh Campbel* in Custody.

Then Mr. *West* being Sworn, Declared, That as to the Lord *Russel*, he never had any *Conversation* with him at all, but that Mr. *Ferguson*, and Mr. *Rumsey*, told him, That the Lord *Russel* intended to go down and take his *Post* in the *West*, where Mr. *Trenchard* had tail'd them; And that they always said, The Lord *Russel* was a Man they most depended upon, because he was a *Person* lookt upon as of great *Sobriety*.

The Lord *Russel* the person most looked upon by the Party.

Here the *Court* Declared, That what Colonel *Rumsey*, or Mr. *Ferguson* told Mr. *West*, was no *Evidence*, so that the *King*'s *Council* resolved to rest upon what they had already prov'd.

The sum then of the *Evidence* against the Lord *Russel* was, That Colonel *Rumsey* was sent upon a *Traytorous Message* by the Earl of *Shaftsbury*, to a *Meeting* where his Lordship was, and that the Answer was return'd his *Lordship* being there; and that there was a *Discourse* at the same time of an *Insurrection* to be made, and a *Declaration* read, to be *Printed* upon the *Rising*, setting forth the *Oppressions* and *Grievances* of the *Nation*, and *Discourse* of surprising the *Guards*. That six *Persons*, of which his *Lordship* was one, did erect themselves into a *Council* to manage the *Insurrection* and *Raising* of Men.

His *Defence*.

To all this the Lord *Russel* made Answer, That he could not but think himself mighty unfortunate to stand there Charg'd with so high a *Crime*, and that intermix'd with the Horrid *Practises* and *Speeches* of other *People*, while the *King*'s *Council* took all advantages to heighten things against him. That he was no *Lawyer*, and a very unready *Speaker*, and altogether a *Stranger* to things of this *Nature*. That he was sensible he was not so provided, as to make his *Defence* as otherwise he should do; But that his *Lordship* thought the Gentlemen of the *Jury* were Men

of

of *Conſciences* that valu'd *Innocent Blood*, and hop'd they would conſider the *Witneſſes*, that they Swore to ſave their own *Lives*. Neither was what Colonel *Rumſey* Swore enough to take away his *Life*; or if it were, the time was Elapſed by the 13*th*. of the *King*, which limits *Proſecution* to *Six Months*. Neither was the *Deſign* of *Levying War*, *Treaſon*, unleſs it appeard by ſome *Overt Act*, as appears by the 25*th*. of *Edward* the 3*d*. And then deſiring to know upon what *Statute* he was *Endicted*, it was told him by the *Statute* of the 25*th* of *Edward* the 3*d*. upon which he inſiſted upon theſe two Points as *Matter* of *Law*, and prayed to be heard by his *Council*, whether the *Treaſon* were duly prov'd, and if it were, whether it were puniſhable by the *Statute*.

He inſiſts upon two Points of the Law, and deſires Council.

In Anſwer to which the *Court* informed him, That if he were contented that the *Fact* ſhould be taken as prov'd againſt him, and deſired Counſel upon what was bare *Matter* of *Law*, he he ſhould have it granted; but that there could be no *Matter* of *Law* admitted, but upon a *Fact* admitted and ſtated. And whereas he inſiſted, that the buſineſs at Mr. *Shepheard*'s *Houſe* was ſworn to only by one *Witneſs*; It was Anſwered, That if there were one *Witneſs* of one *Act* of *Treaſon*, another of a ſecond, another of a third, that manifeſted the ſame *Treaſon*, it was ſufficient.

The Lord *Angleſey*.

After the Lord *Ruſſel* had ſeveral times inſiſted upon the ſame *Objections*, and had received ſeveral undeniable *Anſwers* to the ſame effect, the Lord *Angleſey* ſtood up, who declared, That upon a Viſit which he gave the Earl of *Bedford*, in his trouble for the *Affliction* of his *Son*, the Lord *Howard* came in while he was there, and to comfort the Earl us'd theſe Expreſſions. *My Lord, you are happy in having a wiſe Son, and a worthy Perſon, one that can never ſure be in ſuch a Plot as this, or ſuſpected for it, which may give your Lordſhip Reaſon to expect a very good Iſſue concerning him. I know nothing againſt him or any Body elſe, and therefore your Lordſhip may be comforted concerning him.*

Mr. *Edward Howard*.

After him Mr. *Edward Howard* ſtood up, who declared, That upon ſerious *Diſcourſe* with the Lord *Howard*, he took it upon his *Honour* and his *Faith*, That he knew nothing of any Man concern'd in the *Plot*, and particularly of my Lord *Ruſſel*, whom he Vindicated with all the *Honour* in the *World*. So that if the Ld. *Howard* had the ſame heart on *Monday* that he had on *Saturday*, it could not be true what he Swore againſt the Lord *Ruſſel*. To which he added, That he thought the Lord *Ruſſel* did not only unjuſtly ſuffer, but he took God and Man to *Witneſs*, That he thought him the worthieſt *Perſon* in the *World*.

Dr. *Burnet*.

Dr. *Burnet* declared, That the Lord *Howard* was with him the Night after the Plot broke out, and did then as he had done before, with *Hands* and *Eyes* lifted up to *Heaven* proteſt, That he knew nothing of any Plot, nor believ'd any, and Treated it with great Scorn and Contempt.

The Lord *Cavendiſh*.

The Lord *Cavendiſh* declared, That he had the *Honour* to be acquainted with the Lord *Ruſſel* a long time, and that he always thought him a Man of great *Honour*, and too *Prudent* and *Wary* to be concern'd in ſo vile and deſperate a *Deſign* as this, and from which he would receive ſo little advantage. He ſaid he could ſay no more, but that two or three days after the *Diſcovery* of the Plot,

Plot, upon *Diſcourſe* about Colonel *Rumſey*, the Lord *Ruſſel* did expreſs ſomething as if he had a very ill *Opinion* of the Man, and therefore it was not likely he would entruſt him with ſuch a Secret.

Dr. *Burnet*. Dr. *Burnet* again declared, That he had been for many Years laſt paſt acquainted with the Lord *Ruſſel*, and always judg'd him a *Perſon* of great *Worth* and *Integrity*, and had declared himſelf with much *Confidence* to him, and had always upon all Occaſions expreſſed himſelf againſt all *Riſings*, and when he ſpoke of ſome *People* that would provoke to it, he expreſſed himſelf ſo determin'd againſt that *Matter*, that no Man could do more.

Dr. *Cox*. Doctor *Thomas Cox* declared, That having been very much with the Lord *Ruſſel* of *late*, that is to ſay for a *Month* or *Six Weeks* before the *Plot* brake out, he had occaſion to ſpeak with him in *Private* upon theſe *publick Matters*. But that he always found that his *Lordſhip* was againſt all *manner* of *Riſings*, and thought it the *greateſt Folly* and *Madneſs*, till things ſhould come in a *Parliamentary-way*. That he had heard him profeſs ſolemnly, that he thought it would ruin the beſt *Cauſe* in the *World*, to uſe any of thoſe *Irregular ways* for *preſerving* it, and particularly that his *Lordſhip* had expreſſed himſelf concerning thoſe two *Perſons*, the Lord *Howard*, that he was a *Man* of *Luxuriant parts*, but had the ill luck not to be much truſted by any *Party*; and Collonel *Rumſey* that he knew him *Little*, and that he had nothing to do with *Him*, but in the Lord *Shaftſbury's Buſineſs*.

The Duke of *Somerſet*. The *Duke* of *Somerſet* declared that he had known the Lord *Ruſſel* for about two years, and had much *Converſation* with him, but never heard any thing from him, but what was *Juſt*, *Honourable* and *Loyal*.

The Jury deſires the Lord *Howard* to anſwer the point teſtifyed by the Ld. *Angleſey*. Here the *Gentlemen* of the *Jury* deſired to ask the Lord *Howard* ſomething upon the point, the Lord *Angleſey* teſtify'd, and to know what *Anſwer* he made to the Lord *Angleſey*.

Thereupon the Lord *Chief Baron* asked him what he ſaid to it, that he told his *Father*, he was a *Diſcreet Man*, and he need not fear his *Ingagement* in any ſuch thing?

Which he does. To which the *Lord Howard* anſwered, that he confeſſed he did ſay it, for he was at that time to outface the thing both for *himſelf* and his *Party*, and did not intend to come to that *Place* and *Act* that *Part*. But *God* well knew how it was brought upon him, and with what *unwillingneſs* he ſuſtained it, but his *Duty* to *God*, the *King* and his *Country* required it. Beſides that it was upon that which every man was committed for, that he took hold, when he made his ſolemn *Proteſtations*, for all that were committed for a *Deſign* of *Murdering* the *King*; and ſo were he an *Enemy* to the Lord *Ruſſel*, and brought in a *Witneſs* againſt him, he was bound to have declared in the *Preſence* of *God* and *Men*, that he did not think he had any *Deſign* to *Murder* the *King*.

After this the Lord *Clifford* declared, That he always took the Lord *Ruſſel* to be a very worthy honeſt man, and that he never ſaw any thing in his *Converſation*, to make him believe otherwiſe.

Mr.

Mr. *L*——*Gore* declared, that he had been acquainted with the Lord *Russel* several *Years*, and conversed much with *him*, but that in all his *Discourse* with *him*, he never heard any thing fall that tended in the least to any *Rising* or any thing like it. That he took him to be one of the best *Sons*, one of the best *Fathers*, one of the best *Masters*, one of the best *Husbands*, one of the best *Friends*, and one of the best *Christians* in the *Land*. Mr. *L*——*Gore*.

Mr. *Spencer* declared, that he had known the Lord *Russel* many *Years*, and had been much with *him* in *his House*, but never saw any thing by *him*, but that he was a most *Vertuous* and *Prudent Gentleman*, and that he had *Prayers* constantly twice aday in *his House*. Mr. *Spencer*.

Doctor *Fitz Williams* declared, That by all the *Conversation* of *fourteen Years* which he had had with the Lord *Russel*, he ever esteemed him a *Man* of that *Vertue*, that he could not be *Guilty* of such a *Crime*, as the *Conspiracy* he stands Charged with.

Then the Lord *Russel* himself made a short *Conclusion*, wherein he declared that he had always had a *Heart* sincerely *Loyal* and *Affectionate* to the *King* and the *Government*, the best *Government* in the *World*. That he prayed as sincerely for the *Kings long* and *happy Life* as any Man *alive*, and therefore for him to go about to raise a *Rebellion*, which he looked upon as so *wicked* and *unpracticable* was unlikely. Besides that if he had been inclined to it, by all the observation he had made in the Country, there was no tendency to it, That he was always for the *Government*, and never desired any thing to be redressed but in a *Parliamentary way*. That he had been always against *Innovations*, and all *Irregularities* whatsoever, and should be as long as he lived, whither *sooner* or *later*. Then applying himself to the *Jury*, *Gentlemen* said He, *I am now in your Hands Eternally*, *my* Honour, *my* Life *and* All, *and I hope the* Heats *and* Animosities *that are among you, will not so* byas *you, as to make you in the least encline to find an* Innocent Man Guilty; *I call* Heaven *and* Earth *to* Witness, *that I never had in my Life a* Design *against the* Kings Life. *I am in your Hands, so* God *direct you*.

The Lord *Russel* having thus concluded his *Defence*, the *Kings Counsel* proceeded to Sum up the *Evidence*, after which the Lord *Chief Justice* delivered his *Charge* to the *Jury*, and so the *Court* adjourned till four a Clock in the *Afternoon*, at what time the *Court* being met again, the *Jury* returned and brought in the Lord *Russel* Guilty of the *High Treason* laid to his *Charge*.

THE Charge and Defence OF John Rouse.

John Rouse brought to his *Tryal.*

UPON *Fryday* in the *Afternoon*, being the 13*th.* of *July*, *John Rouse* who had been *Arraigned* and *Pleaded* not *Guilty* was again brought to the *Bar.*

His *Charge* was for Conspiring the *Death* of the *King*, and *declaring* it by *Overt Acts*, that is endeavouring to *raise Men* to *sieze* the *Tower*, and to make an *Insurrection* and *Rebellion* within the *Kingdom.*

Before the *Jury* was sworn, he mov'd the *Court* for longer time, alledging that he had had no longer notice of his *Tryal* then since *Monday Morning*, and that he had had no *advantage* of his *Notice*, for though notice was then given him, he had no *Liberty* of sending for any body till *Wednesday*, and that about eight or nine a Clock on *Wednesday Night*, one came and told him that he should have no Liberty of *Counsel*, unless he had it from the *Court*, so that he had not been able to get his *Witnesses* ready. That he desired nothing but as an *English-man*, to which the *Court* replied, that as an *English-man* he could demand no time to prepare for *Tryal*, for they that will commit *Crimes* must be ready to answer for them and defend themselves.

That 'twas matter of *Fact* he was charged with, and therefore he could not but know long ago what he was to be tryed for; for he was taken up and charged with *High Treason*, that he might then have reasonably considered what *Evidence* would be against him. That if he were an *Innocent Person*, he might defend himself without *Question*, That if he had done an ill thing, the *Law* did not design to shelter him under any *Subterfuge*, as to prepare *Witnesses* to testifie an *untruth* for him.

Capt. *Blague* to be tryed seperately from *Rouse.*

Here the *Kings Serjeant* signifyed, that in regard Capt. *Blague* did desire not to be joyned with the other, that the *Kings Counsel* were content that *Rouse* should be tryed first, Thereupon after several *Challenges* the *Jury sworn* were.

Robert

Robert Benningfield	*Richard Houre*
John Pelling	*Thomas Barnes*
William Winbury	*Henry Robbins*
Theophilus Man	*Henry Kemp*
John Short	*Ed. Raddiſh*
Thomas Nicholas	*Ed. Kemp.*

The *Indictment* being opened by the *Kings Counſel*, *Thomas Leigh* was ſworn; But before he could ſpeak, the *Priſoner* excepted againſt him, wondring with what *Confidence* he could look him in the Face at that time. The *Priſoner* objected againſt him, that he was a perſon who was ſworn againſt by two *Perſons*, to have a hand in the *Plot*, and that being taken up and Conſcious to himſelf, that he was Guilty of ſuch notorious *Crimes*, and knowing he was pretty well acquainted with him, he was afraid the *Priſoner* would ſwear againſt him, and therefore he took the boldneſs to ſwear againſt him firſt.

He Objects againſt the *Evidence.*

But this was not allowed to be any *Objection*, ſo that the *Witneſs* being ordered to proceed, delivered his *Evidence*:

That he had been concerned in the *Conſpiracy*, and knew ſomething of it, but that he believed the *Priſoner* knew a great deal more. That Mr. *Rouſe* took him to the *Kings-head Tavern* in *Swithings Alley*, whither after ſome time Mr. *Goodenough* came, there being then a *Club* of Men that were of the *Conſpiracy*. That he had ſeen *Goodenough* before, who had acquainted him that there was apprehenſion of the *Rights* and *Liberties* of the *People* being invaded, and that it was time for them to look to themſelves, for *Popery* and *Arbitrary Power* were deſigned, and therefore deſired to know whither he would engage in that *Affair* to prevent it; withal he told him the *City* of *London* and *Middleſex* was divided into *Twenty parts*: That he told him his *Acquaintance* did not lye where he liv'd, but he would get a Party where his *Acquaintance* lay. That he acquainted *Rouſe* and *Goodenough* what men he had ſpoke to. That Mr. *Goodenough* told him the *Deſign* was to ſet up the *Duke* of *Monmouth* and *Kill the King* and the *Duke* of *York*, but that all *Parties* muſt not know it, that they were to tell ſome People, there was like to be a *Forraign Invaſion*, and ask them what *readineſs* they were in? and if they were found to be *Compliant* in that, then they might diſcourſe with them about the other matter.

That he diſcourſed with ſeveral men about the *Affairs*.

Sir *John Moor* and ſeveral *Aldermen* to be kill'd.

That *Goodenough* told him that Sir *John Moor* was to be *kill'd*, and the *Aldermen*, and their *Houſes* plundered, and that there would be riches enough which would ſerve to maintain the *Army*. That then he acquainted Mr. *Rouſe* with this buſineſs, but that he knew of it before, and told him he could raiſe *Arms* for a hundred *Men*, but ſaid nothing was to be done unleſs the *King* were ſeized upon, ſaying we might remember ſince 41. that the *King* went and ſet up his *Standard*; therefore ſaid He, we will ſieze them that they may not ſet up their *Standard*, but withal, he ſaid he was for ſiezing them, but not for *ſhedding* of *Blood*. That Mr. *Rouſe* acquainted him it was a very convenient thing to have a *Ball* played upon *Black Heath*, and to that end that ſome *Sea Captains*

A Ball to be played upon Black-He[illegible]

The T[illegible] to be siez[illegible]

Captains should be spoken with, and said, He would engage ten who should manage that *Affair*, and he that won the *Ball* should take it. But that when they had so done, that every Captain should take his *Party*, and tell them they had other work, and then go with *long-Boats* and *Arms*, and seize the *Tower*.

That he acquainted *Goodenough* with this, who ask'd him the *Charge* of a *Golden Ball?* which Mr. *Rouse* had told him, would be ten or a dozen Pound; to which *Goodenough* reply'd, That if it were forty Pound, he would be at the *Charge* of it all. That *Rouse* had spoke several such *Discourses* to several *Men*, at the *Kings-head Tavern*, in his *hearing*. That he heard he was *Sworn* against at the *Kings-head*, in the *Company* of *Rouse* and *Goodenough*; and that *Rouse* told him he should lye at his *House*. That *Rouse* cut off his Hair, and went to Mr. *Batemans*, and fetch'd him a *Periwigg*. That *Rouse* and he went several times to view the *Tower*, and took *Mate Lee* along with them. That some time before that, they had appointed to meet at *Waping*, to speak with the *Sea Captains*. That in Order to this business, the *Prisoner* met the first day at the *Amsterdam-Coffee-house*, and as he told the *Witness* met with two *Sea Captains* that were to Officiate in the *business*, whom he carryed to the *Angel* and *Crown*. That within an *Hour* and *Half*, *Rouse* came to the *Witness*, and told him he had spoken with the *Sea Captains*, who were willing, but that one was going to *New Jersey*, and therefore the work must be done before he went. That another time he appointed *Mate Lee* to meet at the *Anchor* in *Wapping*. That the *Prisoner* always undertook to get ten *Sea Captains*, and to provide *Arms* for a *Hundred Men*. That after he was Sworn against Mr. *Nelthorp* and *Goodenough* came to him at *Rouse*'s *House*, and bid him not be *Discouraged*, but let the business go on, and that when-ever he was taken into Custody, he should deny *All*, and it could not take away his *Life*.

Rouse Disguises the witness.

Being ask'd about what time this was? He Answered, In *June* last. That they never agreed upon any *Method* for *Killing* the *King*; but they told him they had a *Thousand Horse* ready in the *Country*, and *Five Hundred* in the *City*, and that the *King* should be *Kill'd* coming from *Windsor*. That they were contriving to send *Arms* by Night to some private *place*, where they were to *Arm* themselves in the Night. That some *brisk men* were to be sent to *Windsor* to know when the *King* came, and to give *Information*, that he might be set upon in some *convenient place*, and that both the *King* and the *Duke* were to be taken off together. That Mr. *Rouse* should say, *Take them off, for then no Man can have a Commission to Fight for them.*

The King, and the Duke, to be taken off both together, that no body might have a Commission to fight for them.

The *Prisoner* being now at *Liberty* to ask the *Witness* what *Questions* he thought convenient, demanded of him, whether he ever spake to him of any *Design* against the *King* and the *Government*, and whether the *Witness* did not begin with him first?

To which the *Witness* Answer'd, That the *Prisoner* was the first Man that ever he heard promise that the *King* and the *Duke* might be both secur'd. More then that, That the *Prisoner*, as a *Traveller*, should say both to him and in *Company*, That the *King* was Sworn both in *France* and *Spain*, to bring in *Arbitrary Power*,

and

and that it was no *Sin* to take him off. And farther told him, He had it under his own hand.

The *Priſoner* ask'd him in what place it was, where he be[illegible] to ſpeak any thing of this *Deſign?* who made Anſwer, At the *Kings-head.*

The *Priſoner* ask'd who was with them? to which the *Witneſs* reply'd, *Goodenough* and others.

The *Priſoner* ask'd whether he ever put the *Witneſs* upon any thing of that *Nature?* and whither he did not tell him there was a *Deſign* to over-turn the *Government*, but he would not ſhed Blood?

The *Witneſs* Anſwer'd, He could not be poſitive who diſcourſed the thing firſt, but that when the *buſineſs* was Diſcours'd, the *Priſoner* was very *zealous* to get ten *Captains*, and that the *Ball* might be play'd, and the *Tower* ſeiz'd.

Mate Lee being call'd, Swore, That the *Priſoner* had ſeveral times treated with him to get *Seamen* fitting to make *Commanders* of *Ships*; and that being ask'd what he would do with thoſe *Seamen*, and where he would have thoſe *Ships?* He Anſwered, Some of the *King's Men of War*, that lay at *Deptford* and *Woolwich*, for that the *Tower* and *White-hall* was to be ſecur'd, or elſe they could do nothing. *Lee* Sworn.

Mr. *Thomas Corbin* being Sworn, depos'd, That he took great care to ſettle a *Correſpondence* at *Oxford*, during the *Seſſions* of *Parliament* there. That being in *Company* with the *Priſoner*, when he was ask'd what he thought of the *Seſſion?* the *Priſoner* undertook the Reply, and ſaid, That he thought it would be a very ſhort *Seſſions*; adding farther, That thoſe frequent *Prorogations* and *Diſſolutions* of *Parliament* ſhould not avail him, for that what-ever the *King* had, the *Parliament* gave him, and they might take it away. Upon which one biding him have a care, he reply'd, The *King* had forfeited his *Crown*, and had no more right to it then he had.

Mr. *Richarſon* being Sworn, depos'd, That when he was firſt ſeiz'd, he deny'd his *Name* to be *Rouſe*, and ſaid his *Name* was *Johnſon.* He denies his Name to the Officer.

The *Priſoner* being call'd to his *Defence*, inſtead of defending and clearing himſelf by *Oppoſition* of *Teſtimony*, endeavour'd to retreat the *Accuſation* upon the *Witneſs*, alledging, That the *Witneſs* firſt Diſcours'd theſe *Treaſons* to him, which he only liſt'ned to, to *pump* out the bottom of his *Deſign*, that he might Diſcover them.

The Court therefore told him, That he did but invert the *Witneſſes Diſcourſe*, that he had Sworn it againſt him, and he was not in a *Capacity* to Swear againſt the *Witneſſes.*

As to his ſaying, *The King had forfeited his Crown, and had no more right to it, then any of the Perſons he ſpoke to*, he urged that it was a thing reviv'd that was out of Doors two *Years* ſince, beſides that, they were to be explain'd by the occaſion of the *Diſcourſe*, which was upon the *Popes Power* to depoſe *Kings*; upon which he had only ſaid, *That if the* Pope *had any ſuch Power, then the* Crown *of* England *was as much his as any other Mans.* That he had been try'd for the words before.

He denies he said the Parliament might take away the Kings Crown.

As to his saying the *Parliament* might take it away, he deny'd that ever he utter'd any such words.

Being told that was not the *Crime* which was lay'd to his Charge, but his *Designing* and *Conspiring* to secure the *King*, seize the *Tower*, and cause a *Rebellion* within the *Kingdom*; all he had to say was, That he declared in the presence of *God*, before whom he stood, That it never enter'd into his *Heart*. So that after the *Lord Chief Justice* had in few words sum'd up the *Evidence*, and the *Deficiency* of the *Prisoners Defence*, the *Jury* brought him in *Guilty*, without stirring from the *Bar*.

He is found Guilty.

THE
Charge and Defence
OF
Cpt. William Blague.

Cpt. Blague Tryed.

WHO being set to the *Bar* next after *Rouse* upon the same *Friday July* the 13*th*. was *Charg'd* with *Compassing* the *Death* of the *King*, and *Conspiring* with one *Rouse* and several others to seize the *Tower*, and to provide *Arms* in order to a *Rebellion*.

He makes no Challenger.

The *Prisoner* made no *Challenges*, and so the same *Jury* that had pass'd upon *Rouse*, was again Sworn upon him.

The first *Witness* call'd was, *Leigh*, who Swore, That the *Prisoner* in Discourse with himself and *Goodenough*, at the *Kings-head Tavern* near *Chancery-Lane*, how to seize the *Tower*, he told them that the only way was to do it with *Morter-Pieces*, that he would venture his own *Ship*, and provide two *Hundred Men*.

That he caution'd the *Witness* not to Discourse with his *Mate* such a one, but that his *Mate Lee* was an *Honest Fellow*, and said, That he would undertake once in twenty times to dismount the *five pieces* that fac'd towards *Southwark-side*, to which end, as he told the *Witness*, he would bring his own *Ship*, and lay it on *Southwark-side*, and make up the 14 *Guns* he had already 24.

That he ask'd Mr. *Goodenough*, What Money was provided? who Answering 4000 *l.* He Answered, The *Seamen* would swallow that up presently. To which *Goodenough* Reply'd, There was more provided at any time.

Mate Lee Sworn.

Mate Lee Swore, That as he Rode with the *Captain* in a *Coach*, the *Prisoner* should say, *One of these Days we shall have a* Ball *to toss*,

toſs, which he afterwards underſtood by *Rouſe* and *Lee*, was the *Ball* that was to be toſs'd upon *Black-Heath*. That the *Priſoner* and he one time walking about the *Tower*, and Diſcourſing of ſeizing it, his way was to ſcale it, but that the *Captain* ſaid, The beſt way was to ſhoot *Morter-Pieces* upon *Southwark-ſide*; but deny'd he could ſay any thing about the *Ship*.

To this the Captain in his own *Defence* made Anſwer, That all his *buſineſs* with Mr. *Rouſe* was, to procure him a ſum of *Money*, as being a *Broker*, and that his attending upon him for that purpoſe brought him ſometimes into *Goodenough*'s *Company*, wherein he was frequently at one *Tavern* or other: but that if ever he *Diſcours'd* with *Goodenough* about any *Publick Affairs*, or any thing tending to the *Publick Diſturbance*, he was no *Chriſtian*. That as to the ſeizing of the *Tower*, it was only accidental *Diſcourſe* to the *Water-men* that Row'd him from his *Ship* by the *Tower*, to whom he was ſaying, That the place was not well fortify'd, and that if any Occaſion ſhould happen, that part next the *Water* was in more peril, then any place of the *Tower*; And that upon farther *Diſcourſe*, and a *Suppoſition* that the *French* ſhould take, that then the *Priſoner* ſaid, it was but going over-againſt the other ſide, and flinging half a dozen *Bambo*'s to them, and ſetting them out again. That for his having 200 Men, it was impoſſible, for his *Veſſel* was but a *Pink* that would not hold a 100 Men, Women, and Children. And for the *Arms* he bought, he bought them with the *Ship*, for his *Defence* at Sea; four *Blunderbuſſes*, two *Javelins*, and ſome few *half-Pikes*.

That his Veſſel was but a *Pink* that would no hold a 100 Men.

That as to any bank of *Money*, he never *Discours'd* it, and that as to the *Ball*, he knew no more to that very day, then one who had never ſeen a *Ball*.

He added farther, That when they fix'd the time that he was to lay his *Ship* againſt the *Tower*, it was not in his *Poſſeſſion* to bring thither, as not having had her above three weeks, to the very time of his *Tryal*.

Then *Mr. Lee* was ask'd on the *Priſoner*'s behalf, Whether there were any *Projections* or *Proviſions* made for ſeizing the *Tower*?

The Witneſs denies he knew of any Proviſion made to ſeize the *Tower*.

To which he Anſwered, There was nothing of Men or Guns that he knew or heard of.

Being ask'd whether he had any Order from any other *Perſons* to *Diſcourſe* Captain *Blague* in Order to this *Attempt*? He Anſwered, No; for that Captain *Blague*, Mr. *Rouſe*, and Mr. *Leigh*, were commonly together.

Then the *Jury* deſir'd the *Witneſs* might be ask'd, Whether the Captain knew he went to view the *Tower*?

To which the *Witneſs* Anſwer'd, He could not be poſitive in that. They told him they had view'd the *Tower*, but he did not remember what *Obſervations* the *Captain* made upon it.

The *Jury* deſir'd to know farther, Whether the *Priſoner* heard any thing of toſſing the *Ball*? to which Mr. *Lee* reply'd, That Mr. *Rouſe* told him the *Captain* was acquainted with it, but that he never *Diſcours'd* with the *Priſoner* about it himſelf.

The *Priſoner* then calling his *Witneſſes*, one *Chappel* a *Carpenter*, Declar'd, That the *Veſſel* was not able to do any *Service* upon

upon the *Water* three Weeks ago, and that he had been *Ship'd* four Months and a half, to go for *New-York*.

Wright declar'd, That he had waited on the *Captain* ever since he had been Ship'd, and was in his pay before he had the Ship in his *Poſſeſſion*.

The Priſoner's Witneſſes declare the time how long they had belong'd to the Captain.

The *Surgeon* declar'd, That he had belong'd to the *Ship* ſeven Weeks, and to the *Captain* before he had a *Ship*.

Being ask'd by the *Jury*, How many *Guns* belong'd to the *Ship*?

He Anſwer'd, Fourteen *Sabers*, of which four were wooden ones; ſix above *Deck*, and four in the *Hold*.

The *Priſoner* having thus made his *Defence*, the *Lord Chief Juſtice* ſum'd up the *Evidence* to the *Jury*, who withdrawing to conſider of their *Verdict*, in a ſhort time return'd, and brought the *Priſoner* in *Not Guilty*.

The next day, being the 14*th*. of *July*, the ſeveral *Priſoners* found Guilty of *High-Treaſon*, were brought to receive *Judgment*.

The Lord *Ruſſel* deſires the Indictment may be read.

And firſt the Lord *Ruſſel* being ſet to the *Bar*, and ask'd why *Sentence* of *Death* ſhould not paſs againſt him according to the *Law*, deſir'd to hear his *Indictment* read in *Engliſh*: the which being granted, the *Clark* of the *Crown* read on till he came to the *Words* of *Conſpiring the Death of the King*; at what time the Lord *Ruſſel* deſiring him to hold, told the *Recorder*, That he thought he had not been Charg'd with *Compaſſing* and *Conſpiring* the *Death* of the *King*; To which the *Attorny General* reply'd, *Yes*. Upon which his *Lordſhip* appeal'd to the *Recorder* and the *Court*, whether if all that the *Witneſſes* had Sworn againſt him were true, whether he were Guilty within the *Statute* of the 25*th*. of *Edward* the 3*d*. they having Sworn a *Conſpiracy* only to *Levy War*, but no *intention* of *Killing* the *King*, and therefore he thought *Judgment* was not to paſs for *Conſpiring* the *Death* of the *King*?

To this the *Attorney General* Anſwer'd, That it was no exception.

But his Objections are held inſufficient.

Then the *Recorder* told him, That it was an exception proper, (and he thought he did make it) before the *Verdict*, whether the *Evidence* do amount to prove the *Charge* which is proper for the *Jury* to obſerve, for if the *Evidence* come ſhort of the *Indictment*, they cannot find the *Verdict*. But when the *Jury* has found it, their *Verdict* paſſes for *Truth*; and the *Court* is bound to go by what the *Jury* have found, not the *Evidence*.

He moves an Arreſt of Judgment.

To which his *Lordſhip* put the *Queſtion*, Whether without any *Proof*? But it was Anſwer'd, The *Jury* muſt be Govern'd by their *Evidence*.

His *Lordſhip* reply'd, It was hard he muſt be Condemn'd upon a Point that there was nothing of it Sworn; therefore he thought that he might legally demand an *Arreſt* of *Judgment*?

To which the *Recorder* Anſwer'd, That he hop'd his *Lordſhip* would conſider it was not the *Court* could give a *Verdict*, but that it muſt be the *Jury*. Thereupon the *Attorney General* demanding *Judgment*, the *Recorder* paſs'd *Sentence* according to the *Law*.

Walcot had nothing to ſay, But that his *Son* and ſome *Friends* might come and ſee him.

Hone

Hone had no more to ſay, but begg'd the ſame favour. *Rouſe* pretended there was a vaſt difference between the *Indictment* which was for *Words* and *Diſcourſes*, that paſs'd the 2*d*. of *March*, and that the *Oaths* Sworn were, that the words were not ſpoken then, but the laſt of *June*, but had nothing more to ſay.

Thereupon *Judgment* was given againſt all three, as againſt the Lord *Ruſſel*.

Upon the ſame day that the Lord *Ruſſel* was tryed, the Earl of *Eſſex* killed himſelf in the *Tower*.

The Earl of Eſſex kills himſelf in the Tower.

The next day the *Coroner* ſat upon him, and the Verdict of the *Coroners* Jury was, *That* Arthur *Earl of* Eſſex, *did give himſelf a Mortal Wound with a* Razor, *by cutting his Throat from the one* Jugular *to the other, and through the* Windpipe *and* Gullet, *to the very* Vertebras *of his* Neck; *and that he did Feloniouſly and Voluntarily Murther himſelf.*

Upon *Fryday* the 20*th*. of *July*, *Walcot* was drawn to *Tyburn* in one Hurdle, and *Rouſe* and *Hone* in another, and there put into a *Cart*, at what time the Dean of *Rippon*, Dr. *Cartwright*, and the Ordinary of *Newgate*, undertaking to perform the laſt Office of *Miniſters*, to Perſons in their Conditions, admoniſh'd them to make an ingenious *Diſcovery* of what they knew touching the *Conſpiracy* and *Treaſons* for which they were then to ſuffer.

Walcot, Hone and Rouſe carryed to Tyburn.

Walcot replied he had ſome *Papers* in his *Pocket* of what he had prepared to ſay in Writing, and there deſired they might be pulled out and he would read them.

Then looking upon his *Paper*, he read a long *Harangue*, wherein he firſt gave an accompt of his *Faith* and *Religion*, his hope of *Salvation* by the Merits of *Chriſt*, and his belief of the *Scriptures* to be the Rule of *Faith* and Method of *Worſhipping God*.

Walcot reads his Speech.

As to the occaſion of his *Death*, he confeſſed himſelf to be ſo unfortunate and as unhappy to be invited by Colſonel *Rumſey* to ſome Meetings, where ſome things were diſcourſed of, in order to the aſſerting the *Liberties* and *Properties* of the *Subject*, and that while he lay ill of the *Gout*, Mr. *Weſt* came frequently to viſit him, and that his diſcourſe was ſtill of *Lopping* the *Sparks*. That tho he had deſerved to dye by the Law, and that the *King* might juſtly put him to death, for being in thoſe *Meetings* where a War was Debated, yet he thought thoſe men were Guilty of his *Blood* that were as deep as he, and had betrayed him, and taken his Life away. He deſired his *Friends* to be wary how they heard any Man ſpeak, or ſpoke themſelves, for there was no ſuch thing as *Faith* in *Man* to *Man*. He forgave all the *World*, eſpecially Mr *Shepheard*, who as He ſaid, promiſed to carry him into *Holland*, but inſtead of that, brought him into the Condition wherein he then was.

He Confeſſes himſelf guilty of being at ſeveral Meetings.

And that he had deſerved Death by the Law.

He averred in the preſence of God, that he knew of no *Engliſh Man* or *Proteſtant* in *Ireland*, that was engaged in the Conſpiracy.

He knew no Proteſtant in Ireland guilty of any Plot.

He ſaid he could not excuſe the Witneſſes for aggravating things againſt him, and making them worſe then really they were. To which when the Doctor was about to Reply, —— *Pray Sir give me leave*, ſaid he, *for a Man to Invite a Man to a*

Meeting, to Importune a Man to a Meeting, to be perpetually Soliciting him, and then to deliver him up to be hang'd, as they had done Him——

He confeſſed he was preſent at many *Meetings*, but that there were ſeveral Meetings, wherein the Buſineſs of the Kings *Life* was never ſpoke of; for he ſaid they were for aſſerting the *Liberties* and *Properties* of the *People*: And being preſs'd to explain that, he ſaid they were under general *Apprehenſions*, and ſo were the *Lords* that were likely to ſuffer, of *Popery* and *Slaveries* coming in.

Upon the whole being told by the Dr. that he had confeſs'd himſelf Guilty enough to take away his *Life*? He reply'd, That he was ſo. And being farther told, that to ſay, he could not forgive the *Witneſſes*, he at length ſaid he did forgive them, and pray'd God to forgive them.

A Paper printed in his Name after his Execution, reflecting upon the Evidence.

Nevertheleſs, ſoon after his *Execution* there was a *Paper Printed*, which was ſaid to be *Written* by Captain *Walcot* in *Newgate*, and delivered to his *Son* before his *Execution*, little differing from his *Speech* at the *Gallows*, wherein he ſeem'd to complain of the *Evidence*, and endeavour'd to deny his undertaking to charge the *Guards*, while others did the buſineſs. But in *Anſwer* to this, Mr. *Weſt* publiſhed another *Paper*, maintaining and aſſerting the *Truth* of his *Teſtimony*, particularly as to his *intention* to charge the *Guards*; declaring, He had omitted an *Expreſſion* of the *Captains* upon that *Subject*, which he let ſlip in the *multitude* of *particulars* he delivered at the *Tryal*. That he ſhould ſay, He look'd upon the *Action* to be ſo lawful and juſtifiable, that he could *Dye* in it with a ſafe *Conſcience*. And that whereas he tax'd the *Witneſſes* for Swearing him out of his *Life* to ſave their own, it appear'd by his *Letter* to the *Secretary*, that he would gladly have ſav'd his own ſo; and deſired to have made the Duke of *Monmouth*, and other *Perſons* of *Qualities Blood*, to uſe his own *Phraſe*, the price of his own *Life*. Obſerving very well at laſt, that he did not think fit to expreſs in his *Paper* any *Senſe* of his *Guilt* or *Repentance* for it, but rather ſeem'd to retain his *Old Opinion* of its being a *Lawful* thing. That he only blam'd his own *Credulity*, and advis'd his *Friends* only againſt truſting *Men*, not againſt his *Crime*.

Anſwer'd by Mr. *Weſt*, to publick ſatisfaction.

Hone acknowledges himſelf guilty.

As for *Hone*, he acknowledged himſelf *Guilty* of the *Crime* according to the *Law* of the *Land*, and the *Law* of *God*.

Rouſe acknowledges himſelf guilty.

Rouſe made a long *Speech*, not much to the purpoſe, as being only a *Repetition* of what was done in *Court*. However, at length he acknowledged himſelf *Guilty* of concealing and maintaining *Trayterous Correſpondency*: and that it was juſt in *God* in the firſt place, and righteous and juſt with the *King* in the ſecond place that he *Dyed*.

The Lord *Ruſſel* carryed to a Scaffold erected in *Lincolns-Inn-Fields*.

The next day being *Saturday*, the Lord *Ruſſel* having taken leave of his *Lady*, the Lord *Cavendiſh*, and ſeveral others of his *Friends* at *Newgate*, took *Coach* with Dr. *Tillotſon*, and Dr. *Burnet*, who accompanyed him to the *Scaffold* Built in *Lincolns-Inn-Fields*; whether being come, after a ſhort pauſe, he told the *Sheriff*, *That he expected the noiſe would be ſuch that he ſhould not be heard, and therefore he had ſet down in Writing what he thought fit to*

leave

leave behind him, protesting his Innocency of any Designs against the King's Person, or of altering the Government.

He then told the Sheriff, that he had been Informed, That Captain *Walcot* had spoken some things concerning his Knowledge of the Plot, and therefore desired to know whether the *Report* were true?

To which the *Sheriff* Answered, That he did not hear him so much as Name his Lordship.

His Lordship reply'd, He hop'd he did not, for that to his Knowledge, he had never seen or spoken with him in his *Life*; and then in the words of a Dying Man, he professed, He knew nothing of a Plot, either against the *King*'s *Life* or *Government*: But that he had done with the *World* as going to a better, that he had forgave all the *World* heartily, and thanked *God* he *Dyed* in *Charity* with all Men. He wished all the *Protestants* might love one another, and not make way for *Popery* by their *Animosities*.

His behaviour before he lay down.

Then kneeling his *Lordship* prayed to himself, after which, Dr. *Tillotson* kneeled down and prayed with him, and then he prayed a second time by himself; which being done, after he had made himself ready, and ordered the *Executioner*, after he had layn down a small moment, to do his *Office*, without a Sign, he layed himself down upon the *Block*. And then it was, that the *Executioner* missing his first stroke, though with the first stroke he took away *Life* at two more he severed his *Head* from his *Body*, which was ordered by the *Sheriff* to be delivered to his *Lordships Friends* and *Servants*, as being given them by His *Majesties* favour and bounty. The substance of the *Paper* Delivered to the *Sheriff*, was this:

In the first place he bless'd God for the many Blessings which he had bestowed upon him through the whole Course of his Life; That he was Born of worthy good Parents, and had had the advantage of a Religious Education, *which for many Years had so Influenced and possessed him, that he felt the effects of it in his present Extremity.*

He dyed a Protestant of the reformed Religion.

That as he had liv'd, so he dy'd a true and sincere Protestant, *and in the* Communion *of the* Church of England, *though he could never yet comply with, or rise up to all the heigths of some People.*

That he had always lov'd his Country much more than his Life, and never had any Design of changing the Government, *which he valu'd and look't upon as one of the best* Governments *in the World, and would have suffered any Extremity, rather then have consented to any Design to take away the Kings Life; Neither had any Man the* Impudence *to propose a thing so base and barbarous to him. And that he look'd upon it as a very unhappy and uneasie part of his present Condition, that there should be so much as mention of so vile a Crime.*

He prays for the King.

That for the King he wished him well, and sincerely prayed for Him. That the Protestant Religion, *the* Peace *and* Safety *of the* Kingdom *might flourish under his* Government, *and that he in his Person might be happy both here and hereafter.*

His Opinion of the Popish-Plot.

That as for the share which he had in the prosecution of the Popish Plot, *he proceeded in it in the sincerity of his Heart, as being fully convinced, that there was a* Conspiracy *against the* King, *the* Nation, *and the* Protestant Religion.

That

That as for his present Condition, he had no Repineing in his Heart at it.

That he freely forgave the World, and those that were concern'd in taking away his Life, conjuring his Friends never to think of Revenge. He denyed himself privy to any Design to seize the Guards, *but confessed he had heard some general Discourse of that Nature at the Lord* Shaftsburies, *but that he flew out into Exclamations against it.*

But when he came to speak of the *Sentence of Death* that was pass'd upon him, he reflected upon the *Witnesses*, as if they had done him wrong, and spoke more undecently of the *Judges*, the *Kings Council*, and the *Fury*, then became a *Person* under his *Circumstances*, which did not a little offend the *Soveraign Authority*, and justly blemish his last *Exit*.

THE Charge and Defence OF Algernoon Sidney, *ESQUIRE.*

Col. *Sidney* brought to the Bar.

UPON the 7*th*. of *November*, 1683. *Algernoon Sidney*, Esq; was by Writ of *Habeas Corpus*, brought up from the *Tower* to the *Bar* of the *Kings-Bench Court*, where after he had held up his Hand, he was Charged with an *Indictment* of *High-Treason*.

Conspiring the Death of the King.

The general Heads of his Charge were, *For Contriving with others to disturb the Peace of the Kingdom, Conspiring and Compassing the Deposing and Death of the King, and the Subversion of his Government.*

For the fulfilling and perfecting which wicked *Treasons*, he had met several of the *Conspirators* at sundry *Consultations* for carrying on their *Trayterous Designs*. That he had sent *Aaron Smith* into *Scotland*, to invite divers of the *King*'s *Subjects* in that *Kingdom* into the *Conspiracy*, and to come to *London*, to *Consult* of aid and assistance to be given by them. That he had compos'd and written, or caus'd to be made and written, a certain *Trayterous* and *Seditious Libel*, wherein were these Words. *The Power Originally in the People of* England *is delegated to the* Parliament: *He (meaning his present Majesty) is subject as a Man to the People that*

Sends *Aaron Smith* into Scotland.

makes

makes him King; in as much as he is a King, the Law ſets a meaſure to that Subjection, and the Parliament judges of the particular Caſes thence ariſing. He muſt be content to ſubmit his Intereſt to theirs, ſince he is no more then any one of them, in any other reſpect than that he is by the conſent of All, rais'd above any other. If he does not like this Condition, he may renounce his Crown; but if he receive it upon that Condition, as all Magiſtrates do the Power they receive, and ſwear to perform it; he muſt expect that the performance will be exacted, or revenge taken by thoſe he has betrayed. And in another place theſe words. *We may therefore change or take away Kings without breaking any Yoke, or that is made a Yoke which ought not to be one; the Injury therefore is in making and impoſing, and can be none in breaking.*

The Charge being read, and Colonel *Sidney* urg'd to plead *Guilty* or *Not Guilty*, he objected firſt againſt the Validity of the *Indictment*, which, he ſaid, was a heap of *Crimes* put together, diſtinct in *Nature* one from another, and diſtinguiſhed by *Law*; and therefore the *Indictment* being erroneous, was not to be Anſwered to. He added farther, That there were in the *Indictment* ſome *Treaſons* or reputed *Treaſons*, that might come within the *Statute* of the 13*th.* of this *King*, the *Proſecution* of which muſt be within ſix Months, and the *Indictment* within three. So that if the buſineſs mentioned were ſix Months before his *Commitment*, or above three before the *Indictment*, he was not to Anſwer to thoſe things. That in the Caſe of Sir *H. Vane*, the *Court* then ſaid it, and offer'd him, that he might put in his *Exceptions*, and plead *Not Guilty* afterwards. That if he pleaded to an erroneous *Indictment* and were acquitted, he might be *Indicted* again. Bills of *Attainder* having been upon Errors in *Oririginal Indictments*, as that of the Duke of *Somerſet*. That as there were ſeveral things diſtinct in *Nature*, diſtinguiſhed by *Law* put together in the *Indictment*, it was an impoſſible thing to make a poſſitive Anſwer to any one. That if he were Charged with any particular *Fact*, he could ſay, *He either did it or not.* But that in the *Indictment* he found nothing ſpecifi'd, nor could he tell upon what *Statute* he was *Indicted*; and then he pray'd to ſee the *Record*.

Sir *H. Vanes* Caſe in ſtanc'd.

To all his the *Court* made Anſwer, That they could not let him ſee the *Record*, but if he would hear it read again, he might. That there was no way, but either to plead or demur, if he thought the *Indictment* void, which if he did, he ſhould be allow'd to make what *Exceptions* he pleas'd. That as to what he alledged in reference to the 13*th.* of this *King*, whether he were without the time limited, they were not bound to examine that before he had pleaded. Till when, let the *Indictment* be never ſo vitious, there were no exceptions to be admitted.

Then the *Priſoner* offer'd a *Parchment* to the *Court*, which he ſaid was a *Plea*. But the *Court* adviſed him to conſider himſelf and his *Life*; for that if he put in a *Plea*, and the *Attorney General* demurr'd, if his *Plea* were not found good, his *Life* was gone.

He offers a Plea in Parchment to the Court.

Upon that, the Colonel deſired a days time to conſider of it. To which the *Court* replyed, That they could not introduce new methods for any Body.

Mr. *Williams* reprov'd.

Here the *Attorney General* inform'd the *Court*, That Mr. *Williams* exceeded his *Commission*, and told the *Prisoner* several things; for which he was reprov'd by the *Lord Chief Justice*.

The Prisoner pleads not Guilty.

Thus, when the *Prisoner* saw he could gain nothing by contesting with the *Court*, he at length pleaded *Not Guilty*. Which when he had done, he desired a fortnights time to prepare himself for his *Tryal*, which was allowed him. Next he desired a *Copy* of the *Indictment*, which the *Court* told him they could not grant by *Law*. Then he pray'd that *Counsel* might be assign'd him; but that was likewise denyed him, unless he could produce any Point of *Law*, which the *Court* should think fit to be worth debating. This drew from the *Prisoner* an *Expostulation*, whether the *Court* would oblige him that was ignorant in the *Law* to raise Points in *Law* upon only hearing a long *Indictment* for things he knew nothing of? To which the *Lord Chief Justice* reply'd, That it was not the *Judges*, but the *Law* that oblig'd him. Therefore he was not to go away, and say that they sat there to impose upon him; for that they only sat to Administer the *Justice* of the *Nation*. However, the *Court* offer'd him that he might hear the *Indictment* read again, if he desired it, which at his request was done, and then he was remanded back to the *Tower*.

The Colonel brought to his Tryal.

Upon the 21*st*. of *November*, Colonel *Sidney* was brought to his *Tryal* at the *Kings-Bench-Bar*, where he first urg'd, That whereas he had before desired a *Copy* of his *Indictment*, and thought the *Law* allow'd it him, he was still of the same mind, and believ'd he could give a better *Testimony*, that it was so upon the *Statute* of the 46 of *Edward* the 3*d*. wherein it was express'd, That all *People* should have a *Copy* of the *Record*, enumerating several *Matters*, as well that against the *King*, as other *People*, which general *Law* was still in force. He farther instanced, That the Earl of *Strafford* had a *Copy*, the Lord *Stafford*, and the *Lords* in the *Tower* had *Copies* of their *Indictments*; and therefore he thought it was never more necessary than for him, whose *Charge* was so long and so confus'd: and then offer'd a *Copy* of the *Statute* to the *Court*.

He urges the Earl of *Staffords* Case.

To this the *Lord Chief Justice* reply'd, That he remembred the *Law* very well: however, as the *Court* had deny'd him a *Copy* then, so they did still; notwithstanding, they would deny him nothing that was *Law*. For whereas he had alledg'd before the Case of Sr. *H. Vane*, he gave the *Prisoner* to understand, that it was then the *Opinion* of all the *Judges*, that no *Copy* should be given either of the whole or any part of the *Indictment*. Which Case he had order'd to be read in *Court* when his *Counsel* last mov'd for a *Copy*, and thought he had thereby given them full satisfaction; besides that, by the *Opinion* of all the *Judges* of *England*, the Lord *Russel* was in like manner deny'd a *Copy* of his *Indictment*. Nevertheless he had heard his *Indictment* read in *Latin*, which was deny'd to Sir *H. Vane*, and that therefore the *Court* had shewn him more favour, then perhaps in strictness they ought to have done. Thereupon he order'd the *Clark* to proceed upon the *Arraignment*, as not becoming the *Court* to spend time in *Discourses* to Captivate the *People*. So that after several *Challenges*, the following persons were Sworn upon the *Jury*.

The extraordinary favour of the Court toward him.

John

John Anger	*Josiah Clark*
Richard White	*George Glisby*
William Lynn	*Nicholas Baxter*
Lawrence Wood	*William Reeves*
Adam Andrews	*William Grove,*
Emerie Arguise.	and *John Burt.*

Here the *Lord Chief Justice* gave a caution to the *Jury*, not to admit any persons to whisper to them, with a *Charge* to inform the *Court* if any did so.

After this the particulars of the *Matter* in *Evidence* being first shortly opened by Mr. *Dolben*, and enlarg'd upon by the *Attorney General*, the *Witnesses* were call'd, and first of all Mr. *West*. Upon whose appearance, before he was Sworn, the *Prisoner* urg'd, That Mr. *West* had confessed many *Treasons*, and therefore desired to know whether he were pardon'd or no? alledging that otherwise he could not be a good *Witness*; But the *Lord Chief Justice* declaring, That he knew no legal *Objection* against him, and that he had been a good *Witness* in the Lord *Russel's Tryal*, he was Sworn, and gave in *Evidence*.

Col. *Sidney* excepts against Mr. *West*.

The objection against him not allow'd.

That Captain *Walcot* came to him in *October* last, and told him, That the Lord *Shaftsbury* had design'd an *Insurrection* in *November*, against which he used some *Arguments* to dissuade him. That soon after he came to him again and told him, the thing was wholy disappointed, upon which the Earl of *Shaftsbury* went into *Holland*. That about *Christmas*, Colonel *Rumsey* told him, There were some *Lords* and *Gentlemen* intended to make an *Insurrection*. That the persons were the Duke of *Monmouth*, the Lord of *Essex*, the Lords *Howard* and *Russel*, the *Prisoner* at the *Bar*, and Mr. *Hampden* Junior. That sometime after the said Colonel told him, that the said persons had altered their measures, and were resolved not to venture upon an *Insurrection* in *England*, till they had a Concurrency in *Scotland*.

That Mr. *Nelthorp* told him, That the *Prisoner* at the *Bar* had sent *Aaron Smith* into *Scotland*, and had given him a sum of Money to bear his Charges, and sent *Letters* to some *Scotch Gentlemen*, to invite them to *Town*. That the *Letter* bore a *Cant* of setling business in *Carolina*, that really it was about coming up in order to the *Insurrection*. That afterwards Mr. *Smith* returned, and some *Scotch Gentlemen*. And that Mr. *Ferguson* gave an *Accompt* of that *Affair*; How that the *Scots* propos'd, That if they might have 30000 *l.* in ready *Money*, they would undertake to make an *Insurrection* in *Scotland*, without the *Concurrence* of *England*; which *Proposal* he said was agreed to, that the Money would be soon ready, and that Mr. *Shepheard* would return the Money. That the *Armes* were ready bought, and that the Earl of *Argile* would go into *Scotland* and head the *Scots*. That when things were thus settled, some difference arose about raising Money; but that at last the Lord *Grey* offer'd to raise 10000 *l.* out of his own *Estate*, if the rest would pay their proportion. That then the *Scots* came down to less, but were not comply'd with. That the places for Rising were *Bristol*, *Taunton*, *York*, *Chester*,

Aaron Smith sent into *Scotland*.

The Earl of *Argile* to head the *Scots*.

Cheſter, *Exeter*, *London*. That there had been ſome debates whether they ſhould begin at *London*, or other places, and that at laſt it was reſolv'd they ſhould begin at *London*, with the reſt of the places. That this was the *Accompt* of the *Matter* in *General* which he had from Mr. *Ferguſon*; who farther added, That the *Priſoner* at the *Bar*, and *Major Wildman*, were very Inſtrumental in working of the agreement with the *Scots*, becauſe they could not agree upon the *Declaration* to be made upon the *Inſurrection*. For that the *Engliſh* were for a *Common-wealth*, but that the *Scotch Gentlemen* anſwered it might come fairly to it in time, but that the *Nobility* there would not agree to it at preſent. That as to the *Priſoner* himſelf, he knew nothing of him in particular, nor did ever ſpeak with him till ſince the *Diſcovery*.

Mr. *Wildman*, and the Priſoner at the Bar, inſtrumental in working of the agreement with the *Scots*.

Col. *Rumſey* gives his teſtimony.

The next *Witneſs* was Colonel *Rumſey*, who declared, That about the latter end of *October*, or beginning of *November*, he was deſired by the Earl of *Shaftsbury* to go to Mr. *Shepheards*, to know of the *Gentlemen* that were met there, what was done about the Riſing intended at *Taunton*? Who Anſwered, That Mr. *Trenchard* had fail'd them, and that it muſt ceaſe for that time.

That after that, he met ſeveral times in *March*, *April*, and *May*, at Mr. *Weſts* Chamber, and other places with Captain *Walcot*, Mr. *Weſt*, the two *Goodenoughs*, Mr. *Bourn*, and Mr. *Wade*, where they had divided the *City* into twenty parts, of ſeven parts of which Mr. *Goodenough* brought an *Accompt*, but ſaid nothing of the other thirteen, becauſe he had not ſpoken with thoſe who were to tell him how many Men they would afford for the *Inſurrection*.

Who were at Mr. *Shepheards*.

Being ask'd who he met at Mr. *Shepheards*? He Anſwered, There was the Duke of *Monmouth*, the Lords *Grey* and *Ruſſel*, Sir *Thomas Armſtrong*, Mr. *Ferguſon*, and Mr. *Shepheard*.

Who were the Council of ſix.

Being ask'd who was to manage the Riſing? He Anſwered, That Mr. *Weſt*, and Colonel *Rumſey* told him, That there was a *Council*, which where the Duke of *Monmouth*, the Earl of *Eſſex*, the Lord *Howard*, Colonel *Sidney*, Mr. *Hambden*, and the Lord *Ruſſel*.

Here Colonel *Sidney* preſs'd the *Court* to conſider whether it were an uſual thing to examin Men upon *Indictments* of *Treaſon* concerning him, that he never ſaw or heard of in his *Life*? To which when the *Lord Chief Juſtice* reply'd, That all that *Evidence* did not effect him, and that he likewiſe told the *Jury* ſo, the *Priſoner* Anſwer'd, That however it prepoſſeſſed the *Jury*.

Mr. *Keeling* Sworn gives a general teſtimony.

Mr. *Keeling* being then call'd and Sworn, was demanded in general, what he knew of the Riſing to have been laſt *Spring*? who declared, That ſome time the laſt *Summer*, Mr. *Goodenough* came to him, and brought him three *Papers* number'd on the back ſide. Of which when the *Witneſs* ask'd the meaning, the other told him that one was for himſelf, and that he was to deliver t'other two to whom he could truſt in the two *Diviſions*. That the *Witneſs* ask'd Mr. *Goodenough* what the *Deſign* was? who ſaid, To raiſe Men. That thereupon the *Witneſs* ask'd him, whether he Deſign'd a *General Inſurrection*? To which

which the other reply'd, That if he did not, if the King was taken off, this would do well, for then the *People* would know how to have recourſe to a formidable Body: Laſtly, That he had heard the ſaid *Goodenough* ſay, *That Colonel* Sidney, *whom he knew not, had a conſiderable part in the management of that Affair.*

Col. *Sidney* had a conſiderable part in the Plot.

The Lord *Howard* being next Sworn, and deſired to acquaint the *Judge* and *Jury*, what tranſactions there had been with the *Priſoner* about the *Affair* of a general *Riſing?* declar'd, That about the middle of *January* laſt, it was conſidered by ſome of thoſe that met together, That it was very neceſſary to an *Enterprize* that had then been long in hand, and at that time fallen flat, that it ſhould be reviv'd by ſome ſelect *Cabal*, that ſhould be ſet up to give it *Life*, and govern its motions. That the firſt movers of this, for ought he knew, were the Duke of *Monmouth*, Colonel *Sidney*, and himſelf. Where it was farther agreed, That they ſhould think of ſome few, not to exceed five, or at the moſt ſeven. Which agreement being at firſt between them three, the Duke of *Monmouth* undertook to engage the Lord *Ruſſel* and the Earl of *Salisbury*, and the *Priſoner* at the *Bar* undertook to engage the Earl of *Eſſex*, and Mr. *Hambden*: who being preſently put together, conſtituted a little *Cabal* of as many as were intended. That between the middle and latter end of *January*, as he the *Witneſs* was told, the ſaid *Perſons* agreed to enter into a *Conjunction* of *Counſels*, and met accordingly at Mr. *Hambden*'s Houſe, whither he was alſo invited. That when he came to Mr. *Hambdens* Houſe, which ranges in the ſame *Row* with *Southampton* Houſe, he found there the Duke of *Monmouth*, the Earl of *Eſſex*, the Lord *Ruſſel*, Colonel *Sidney*, and Mr. *Hambden*. That Mr. *Hambden* took upon him to open the *Seſſions*, and in his *Diſcourſe* recapitulated ſome Deſign that had been chiefly carryed on before by the E. of *Shaftsbury*, before that time Dead. He alſo took notice of the ready diſpoſition of the minds of Men to go on with it, and gave one inſtance of his Judgment of it; That being a Deſign Communicated to ſo many, there had not ſo much as a whiſper gone about it. From whence he took an Occaſion to tell the reſt, That it was abſolutely neceſſary, that there ſhould be ſome *Council* which ſhould be as a *Spring*, a little to govern the motions of the reſt: there being divers things, which if not taken care of by particular perſons, the whole would miſcarry. That from thence the ſaid Mr. *Hambden* made a *Tranſition* to ſome particular things which were principally to be taken care of. The time when, the places where, and the perſons by whom theſe things were to be carryed on, which lead into a particular conſideration of ſome of thoſe Heads. For the time, that it ſhould be ſhortly, leaſt the minds of Men ſhould chil; and then as to the place where, whether in the *City* or *Country*, or both joyntly; In which ſome *Opinions* were given, but not ſettled to any *Reſolution*, being committed to all their thoughts to Conſult of afterwards. They were alſo to conſider what *Magazines* were to be got, and with what they ſhould be gotten, and that was *Money*; Upon which there was a conſiderable ſum propounded to be rais'd: to which purpoſe the Duke of *Monmouth*, to the beſt of the *Witneſſes* remem-

A Cabal to be ſet up by the Conſpirators.

The Priſoner undertakes to engage the Earl of *Eſſex* and Mr. *Hambden*.

The firſt meeting of the Cabal at Mr. *Hambden*'s Houſe.

Mr. *Hambden* opens the Seſſions.

brance, propounded the raising of twenty five, or thirty thousand *Pounds*: after which it was considered how this *Money* should be rais'd without drawing *Observation* and *Jealousie*. That these were the heads then agreed upon to be afterwards considered. But the *Resolutions* taken at present were, How to make a *Coalition* of *Counsels* with *Scotland*; for which purpose some fit *Persons* was to made choice of to be sent thither. That these were the debates of the first *Meeting*. That about a fortnight or three weeks after, all the same *Persons* met again, at *Southampton-House*, at the Lord *Russels*, where it was warmly urg'd by Mr. *Hambden*, though at that time thought unseasonably. That since they were now united into such an undertaking, it could not be expected but that it would be a *Question* put to many of them, To what end all this was, where they intended to terminate, and into what they intended to resolve? That they were *Questions* which he, meaning Mr. *Hambden*, met with, and every one would meet with from those *Persons*, whose assistance was to be expected; and that if there were any thing of personal interest design'd, there were but very few of those whose *Hearts* were with them, but would fall off; and that therefore they were to resolve themselves into such *Principles*, as should put the *Liberties* and *Properties* of the *People* into such hands, as should not be easily invaded by such as were intrusted with the *Supream Authority* of the Land: and that at length it was mentioned to resolve all into the power of a *Parliament*. That this being propounded by Mr. *Hambden*, sounded a little harshly to some of the rest: However, it was consented to, that it was nothing but a publick Good which all intended. That after this the *Council* debated about sending into *Scotland*, and settling a *Correspondency* with the Earl of *Argile*. That other Gentlemen were nam'd, as the Lord *Melvin*, Sir *John Cockram*, and the *Cambells*. Which being propounded, it was offer'd by Colonel *Sidney*, that he would take care of the *Person*, and that he had one in his thughts, whom he thought to be a fit *Person*.

A Coalition with *Scotland* debated.

Some things unseasonably urged by Mr. *Hambden*.

All to be resolved into the Power of the Parliament, which sounded harsh to some of the rest.

Col. *Sidney* undertakes to send into *Scotland*.

Being ask'd by the *Attorny General* what *Aaron Smith* was to do? the *Witness* made Answer, That there was no particular deed for him more then to carry a *Letter*. That the Duke of *Monmouth* undertook to bring the Lord *Melvin* hither, because he had a particular dependency upon him; but that to Sir *John Cockram*, a *Letter* was to be sent under the Disguise of carrying on some business of *Carolina*; which *Letter* as he thought was wrote by the Lord *Russel*, as being personally known to him, and none of the rest of the *Cabal*.

The Duke of *Monmouth* undertakes to bring up the Lord *Melvin*.

Being ask'd to what purpose those *Gentlemen* were to come up? he Answered, To acquaint them how they found *Scotland* tempered, and what *Opportunities* there were of putting them into a Commotion, how Men might be rais'd, how they would fall under *Argile*, and also to keep time and place with *England*. That after this he was with Colonel *Sidney* when he was going into *London*, at what time he took out about sixty *Guineys*, as he thought, and put them in his *Pocket*, which he said were to give *Aaron Smith*; but whether he gave them or not he could not tell. However, after that he was sent in pursuance of their

Col. *Sidney* puts a parcel of Guineys in his pocket for *Aaron Smith*.

debate,

debate, as Colonel *Sidney* told him, upon Inquiry, and withal that he had not heard of him but once in three Weeks, vvhen he vvas at *New-Caſtle*. That after this, his Occaſions call'd him into the *Country*, and aftervvards he vvent to the *Bath*.

Aaron Smith ſent in purſuance of the debates.

The Lord *Howard* having thus concluded, the *Court* demanded of Colonel *Sidney*, vvhether he had any *Queſtions* to ask the *Witneſs*? vvho reply'd that he had no *Queſtions* to ask him. Upon vvhich the *Attorney General* reply'd *Silence*——————You knovv the *Proverb*,

The *Scotch* Gentlemen prov'd to be in *London*.

After vvhich Sir *Andrew Foſter*, and Mr. *Atterbury*, vvere called to prove that the *Scotch Gentlemen* came up preſently after *Aaron Smith* vvas ſent; and firſt Sir *Andrew* declared, That about the end of the *Spring*, or beginning of *Summer*, Sir *John Cockram*, *Commiſſionary Monro*, and the tvvo *Cambells*, Father and Son came up hither. That he did not ſee the Senior *Cambell*, but the Younger he ſaw upon the Day of the Lord *Ruſſels Tryal*; but that he ſaw the other two, as he thought, a little before the *Diſcovery*.

The pretence of their coming.

Being ask'd what they pretended to come about? He made Anſwer, That Sir *John Cockram*, and *Manro*, pretended they came about making a purchaſe in *Carolina*, and ſhew'd him a Commiſſion to that purpoſe from the *Perſons* ſaid to be concerned in the *Deſign*.

Being ask'd what became of thoſe Gentlemen upon the rumour of the *Plot*? He Anſwer'd, That Sir *John Cockram* abſconded, but *Manro* did not; and as for the *Cambells*, he heard they were ſeiz'd, changing their *Lodgings*.

Mr. *Atterbury* Sworn as to the apprehending of the *Scotch* Gentlemen.

Then Mr. *Atterbury* being Sworn, inform'd the *Court*, That about the end of *June*, or beginning of *July*, he was ſent for into *London*, upon a Diſcovery of ſome *Scotch Gentlemen* that lay about *Black-Fryers*: but that when he came there, the *Common Serjeant* had been before him, and found Sir *Hugh Cambel*, and Sir *John Cockram*, making an eſcape into a *Boat*, together with a third *Perſon*, who was committed to the *Gate-Houſe* by the Council as ſoon as brought thither.

Sir *Phillip Lloyd* Sworn as to the Papers found in Colonel *Sidneys* Houſe.

This done, the *Attorney General* went about to prove, that while the *Engliſh Emiſſary* was in *Scotland*, the Colonel at the ſame time (which would be another *Overt Act* of *Treaſon*) was Writing a *Treaſonable Pamphlet*; to which purpoſe Sir *Phillip Lloyd* being firſt Sworn, declared, That having a *Warrant* from the *Secretary* by the *King* and *Council*, to ſeize Mr. *Algernoon Sidney*'s *Papers*, he went to his Houſe, where he found a great many upon a *Table*, which he firſt put up in a *Pillowbear*, and then in a *Trunk*, to which he deſired the Colonel to put his *Seal*; but he refuſing, he took his own *Seal*, ſeal'd up the *Trunk*, and had it carryed before him to Mr. *Secretary Jenkin's Office*. That when the *Committee* ſate, he was Commanded to undo the *Trunk*, and did ſo, and found his own *Seal* upon it, and then took out the *Papers* out of the bag as he put them in before.

Col. *Sidney* preſent when his papers were ſeiz'd.

Being ask'd whether Colonel *Sidney* were preſent when he ſeiz'd the *Papers*? He Anſwered, *Yes*. And being farther ask'd whether thoſe *Papers* ſhewn in *Court* were ſome of thoſe *Papers*? He made Anſwer, That he verily believ'd it.

Being

Being ask'd when they were ſeiz'd?

He replyed, Toward the latter end of *June* laſt.

Then three *Witneſſes* were called to prove the Hand to be his.

Mr. *Shepheard* call'd to prove the Colonels hand.

Mr. *Shepheard* Swore, That he was acquainted with his hand, and that he believ'd the Writing ſhewn him was his hand; for that he had ſeen him Write the *Indorſement* upon ſeveral *Bills* of *Exchange*.

Mr. *Cary* to the ſame purpoſe.

Mr. *Cary* Swore, That he had ſeen his *Indorſement* upon *Bills*, and that it was very like what came to him for his hand Writing, and that he believ'd it to be his hand.

Mr. *Cook* to the ſame intent.

Mr. *Cook* Swore, That he had ſeen ſeveral *Notes* that came to him with *Indorſment* of Colonel *Sidney*'s *Name*, and had pay'd them, and that it was like the hand ſhewed him; nor was he ever call'd to an *Accompt* for miſpayment.

The *Attorney General* inſiſting to have as much read as was neceſſary to prove the *Indictment*, the *Priſoner* deſired it might be all read. But the *Court* made Anſwer, that Mr. *Attorney* muſt have what part he deſired, and that he ſhould have what part he would read afterwards.

Then the *Paper* was read in theſe Words:

The Paper read.

There was no abſurdity in this, though it was their own Caſe, but to the contrary, becauſe it was their own Caſe: That is concerning themſelves only, and they had no Superiour. They only were the competent Judges; they decided the Controverſies, as every Man in his own Family doth, ſuch as ariſe between him and his Children, and his Servants. This Power has no other reſtriction, then what is put upon it by the Municipal Law of the Country, and has no other force, then as a Man is underſtood to have conſented to it. Thus in England *every Man in his degree, has a right of a Chaſtizing them, and in many places, even by the Law of God, the Maſter has a Power of Life and Death over his Servant. It were a moſt abſur'd folly to ſay, That a Man might not put away, or in ſome places, Kill an Adulterous Wife, a Diſobedient Son, or an unlawful Servant, becauſe he is Party and Judge. For the Caſe admits of no other, unleſs he had abridg'd his own Right by entring into a Society where other Rules are agreed upon, and a Superiour Judge conſtituted; there being none ſuch between King and People. That People muſt needs be the Judge of things happening between them and him they did conſtitute: Not that he might be Great, Glorious, and Rich, but that he might Judge them, and Fight their Battles, or otherwiſe do good unto them as they ſhould direct. In this Senſe he is* Singulis Major, *and ought to be oblig'd by every Man in his juſt and lawful Commands tending to the publick good; and muſt be ſuffer'd to do nothing againſt it, not in any reſpect more than the Law does allow.*

For this Reaſon Bracton *ſays that the King has three Superiours,* Deum, Legem, & Parliamentum: *that is, The Power Originally in the People of* England *is delegated to the Parliament. He is ſubject to the Law of God as a Man, to the People that makes him King, in as much as he is a King. The Law ſets a meaſure to that ſubjection, and the Parliament Judges of the particular Caſes thereupon ariſing. He muſt be content to ſubmit his Intereſt to theirs, ſince he is no more then any of them in any other reſpect then that he is by the common Conſent of all rais'd above any other.*

If

If he does not like the Condition he may renounce his Crown; but if he receive it upon that Condition (as all Magistrates do the Power they receive) and Swear to perform it, he must expect the performance will be exacted, or revenge taken by those he has betray'd.

If this be not so, I desire to know of the Author, How one or more Men can come to be guilty of Treason against the King; As Lex facit ut sit reus. *No Man can owe more to him than to any other, or he unto every other Man by any Rule but the Law. And if he must not be Judge in his own Case, neither he nor any other by Power received from him, would ever try any Man for an Offence against him or the Law.*

as was is of

There was much more read, all insisting upon the same *Argument*, and endeavouring to fix the supream Power in the People, too long for this Observation; only two short passages must not be left out, which were these, both read by the *Clark* of the *Crown*. *That the general Revolt of a Nation from its own Magistrates could not be call'd a Rebellion. And that the Power of calling and dissolving Parliaments is not in the King.*

The Lord *Russels* Conviction given in Evidence.

The Sheets being shewn to the *Prisoner*, He Answered, That he could not tell what to make of it, to read it in pieces in that manner. And then being ask'd by the *Court*, what pieces he would have read? He made this reply, *Let him give an account of it, that made it.*

Reflections upon the Kings Misgovernment, particularly for Imposing upon the City

After this the *Attorney General* said, He had only one piece of *Evidence* to give more: That he was one of the *Accomplices* of the Lord *Russel*, and therefore he would give in *Evidence* his *Conviction*. To which purpose the Lord *Howard* was ask'd, Whether he was not Sworn as a *Witness* at the *Tryal* of the Lord *Russel*? who Answering, *Yes*; The next *Question* was, Whether in those debates, there were any *Reflections* upon the *King* that he had broken his *Duty*? to which the Lord *Howard* Answered, Not personally upon the *King*, but upon his *Misgovernment*, and principally that which they thought was the general disgust of the *Nation*, their imposing upon the *City* at that time: which was the thing then complain'd of, and look'd upon as the chief *Grievance*.

Then the *Copy* of the *Conviction*, being Sworn by Mr. *T*—— to be a true *Copy* examin'd by the *Original* was read.

Here the *Attorney General* rested, unless the *Jury* desired to hear the Words of the *Libel* read again, which they did not. So that Colonel *Sidney* being now free to make his *Defence*, desired in the first place to know upon what *Statute* he was *Indicted*? to which it was Answered by the *Attorney General*, that he was *Indicted* upon the *Statute* of the 25*th*. of *Edward* the 3*d*.

The Prisoner desires to know upon what Statute he was Indicted? Is Answered upon the 25th. of *Edward* the 3d.

The *Prisoner* desired to know upon what Branch of the *Statute*? It was reply'd, Upon the first Branch, for Conspiring and Compassing the *Death* of the *King*.

To which the *Prisoner* reply'd, That then he conceiv'd, that what came not within that *Statute*, did not touch him; and desired to know what the *Witnesses* had Sworn against him upon that Point? the *Lord Chief Justice* told him, repeating the *Attorney Generals* Words, That he was *Indicted* upon the *Statute* of the 25*th*. of *Edward* the 3*d*. which makes it *High-Treason* to

Conſpire the Death of the *King*, and that the *Overt Act* was ſufficiently ſet forth in the *Indictment*; the *Queſtion* was, Whether 'twere prov'd?

He puts a Queſtion as to his Paper.

To which the *Priſoner* pleaded, That they had prov'd a *Paper* found in his Study of *Caligula* and *Nero*, and ask'd whether that were Compaſſing the Death of the *King*?

Anſwered by the Court.

The *Lord Chief Juſtice* reply'd, He ſhould tell the *Jury* that, and told them that the Point in *Law* they were to receive from the *Court*, but whether there were *Fact* ſufficient, was their *Duty* to conſider.

Then Colonel *Sidney* undertook his *Defence*, ſaying, *That ſince he was Indicted upon that Statute, he was not to take notice of any other.* That he was *Indicted* for Conſpiring the Death of the King, becauſe ſuch a *Paper* was found in his *Study*. That under favour, he thought that would be nothing to him. For that tho Sir *Phillip Lloyd* did ask him whether he would put his *Seal* to it? He did not ask him, till he had been in his *Cloſet*, and he did not know what he had put in, and therefore he told him he would not do it. That then came the *Gentlemen* upon ſimilitude of Hands: to which he Anſwered, That it was well known what ſimilitude of Hands was in this *Age*. That a *Perſon* came to him, and told him but about two days before, that one came to him, and offer'd him to counterfeit any hand he ſhould ſhew him in half an Hour; and therefore he had nothing to ſay to thoſe *Papers*.

He denies the ſimilitude of hands to be a good proof.

He alledges two Witneſſes to the branch to which the Treaſon relates.

Then for Point of *Witneſs*, that he could not be *Indicted*, much leſs *Tryed* or *Condemned* upon the 25*th*. of *Edward* the 3*d*. for that by that Act there muſt be two *Witneſſes* to that very Branch to which the *Treaſon* relates, which muſt be diſtinguiſhed. For the Levying of *War*, and Conſpiring the Death of the *King*, are two different things, diſtinct in *Nature* and *Reaſon*, and ſo diſtinguiſhed in the *Statute*: and therefore the Conſpiring the Death of the *King* was *Treaſon*, the other not. That the 1*ſt*. of *Edward* the 8*th*. 12*th*. and 5*th*. *Edw*. 6. 11. did expreſsly ſay, there muſt be two *Witneſſes* in either of thoſe Acts. That then there was the Lord *Howard*, who only ſpoke of ſix Men, whom he call'd a *Select Council*, and yet *Selected* by no *Perſon* in the *World*. He deſir'd to know, Who *Selected* the Lord *Howard*, or who *Selected* Him? That if they were *Selected* by no Body, it was a *Bull* to ſay they were a *Selected Council*. That if they were not *Selected*, but *Erected* themſelves into a *Cabal*, then they had either *Confidence* in one another, or found they were ne're able to aſſiſt one another in the Deſign. But there was nothing of all that, for that thoſe ſix Men were *Strangers* one to another. That for his part, he never ſpake with the Duke of *Monmouth* but three times in his *Life*, and that one time was when the Lord *Howard* brought him to the *Priſoners* Houſe, and couzen'd them both, by telling the Duke, that the *Priſoner* had invited him and the *Priſoner*, that the Duke invited himſelf, and neither true.

Now that ſuch Men as thoſe were, hardly knowing one another, ſhould preſently fall into a great and intimate Friendſhip, and truſt and management of ſuch buſineſſes as thoſe were, was a thing

thing utterly improbable, unless they were mad. That he found in the Lord *Howards Deposition* against the Lord *Russel*, That they were in *Prosecution* of the Earl of *Shaftsbury*'s Design, and yet acknowledged that the Duke of *Monmouth* said he was mad, and that he himself said so too: That therefore should they have joyned with four more in the *Prosecution* of the Design of a mad-Man, they must be mad too. Only whether the Lord *Howard* would have it thonght he was mad, because a mad-Man could not be *Guilty* of *Treason*, he could not tell. That the Lord *Howard* in his last *Deposition* had fix'd the two *Meetings*, one about the middle of *January*, and the other ten days after; but that now he had fix'd the one to be the latter end of *January*, and the other about the middle of *February*: and that then he made it to be the *Prosecution* of the Lord *Shaftsbury*'s Design; but he did not find that any one there had any thing to do with the Lord *Shaftsbury*; that for his part he had not, neither had he seen his Face in two *Years*. Then the next thing that he went upon was, That what ever the Lord *Howard* were, he was but one *Witness*. That the *Law of God and Man* requir'd two *Witnesses*; So that for one to come and speak of an *Imaginary Council*, another of a *Libel*, Written no *Body* knew when, was such a thing that never could be got over. That if the *Law of God* were, that there must be two *Witnesses* to one *Fact*, there was an end of the *Matter*, and that under the *Judicial Law*, the penalty would have been in such a Case to put a Man to *Death*. That then there were but two things, which if allow'd, no Man would be safe for *Perjury*. The one was to suffer Men to give their *Testimony*, one to one thing, and another to another, that the fraud could not be Discover'd, and the other was to take away the *Punishment*. That the *Punishment* was in some measure taken away, and if the other Point were taken away whereby the fraud could not be Discover'd, then no *Defence* could be made. Then he instanc'd the *Story* of *Susannah*, that both *Witnesses* should be to the same Point; Therefore if there were two *Witnesses* to prove the *Conspiracy*, and that those *Matters* were done in it which were *Treason*, he was to answer it; if there were not, he presum'd he needed not say any thing to it; which if it might not be allow'd him, he desir'd *Council* to argue it.

The Lord *Howard* but one Witness.

He pursues his Argument for the necessity of two Witnesses.

And desires Council upon the Point.

To that the *Court* made *Answer*, That it was a Point of *Fact*, whether there were two *Witnesses*? allowing that one *Witness* was not sufficient.

The Answer of the Court.

From whence the *Prisoner* inferring that there was the Lord *Howard* and never another, the *Court* admonish'd him not to make those *Inferences*; and that the *Jury* should be told, That if there were not two *Witnesses*, as the *Law* requir'd in the *Case*, they were to acquit him.

Upon this the *Prisoner* said, He was Confounded; and pleading by way of *Interrogatories*, ask'd the *Court* what was a *Conspiracy* to Kill the *King*? and whether there were any more *Witnesses* then one for Levying *War*?

He expostulates with the Court.

In Answer to which the *Court* bid him not deceive himself, or think that the *Court* intended to enter into a *Dialogue* with him, but Answer what he could to the *Fact*.

And is answered.

To

To which the *Prisoner* reply'd, That then there being but one *Witness*, he was not to Answer to it at all.

The *Court* told him, If he rely'd upon that, they would proceed to direct the *Jury* presently.

The *Prisoner* continu'd, That then again for Levying *War*, there was no *Evidence* as to that: He Challeng'd the Lord *Howard* also, to reconcile what he had said at the Lord *Russels Tryal*, with what he said then. That he had there declar'd he had said all he could, but that now he had got he knew not how many things, that were never spoken of there: upon which the *Prisoner* appeal'd to the *Court*, Whether he had ever spoken a word of what he said then concerning Mr. *Hambden*? That he set forth his *Evidence* very *Rhetorically*, but that it did not become a *Witness*, who was only to tell what was said and done; but that he did not tell what was done and said. That he had said they took upon them to consider, but does not say what one Man said, or what one Man resolv'd, much less what the *Prisoner* did. That if those things were not to be distinguish'd but to be jumbl'd together, he then knew not what to say.

He taxes the Lord *Howard* of varying in his Evidence.

Here the *Court* again advertiz'd the *Prisoner* to Answer the *Matter* of *Fact*, or if he had any *Testimony* to disparage the *Witnesses*, to produce it.

The Prisoner put upon it by the Court to bring his Witnesses.

Thereupon the *Prisoner* urg'd against the Lord *Howard*, That he had accus'd himself of divers *Treasons*, and had no pardon for any, that he was under the terror and punishment of those *Treasons*. That he had said he could not get his *Pardon*, till he was past the *Drudgery* of *Swearing*. That he ow'd the *Prisoner* a considerable sum of *Money*, lent him in time of his great *Necessity*; and that when his *Mortgage* was forfeited, and the *Prisoner* was to take the advantage of the *Law*, he had found out a way to have him laid up in the *Tower*. That he came to the *Prisoner*'s *House* when he was put in the *Tower*, and in the hearing of the *Prisoner*'s *Servants*, Swore, as in the presence of *God*, That the *Plot* was but a *Sham*, and that he knew nothing of it. That he would not only have pay'd the *Debt* due to the *Prisoner* by his *Testimony*, but would fain have got his *Plate* and other *Goods* into his hands under pretence of securing them. That he had protested the same thing to Dr. *Burnet*, as he had done to the *Prisoner*'s *Servants*; and that when he came to Answer it, he said he was to face it out, and make the best of it he could, which he did bravely against *God*, but was very timerous of *Man*. That he had declar'd at the Lord *Russels Tryal*, That he believ'd that the *Religious Obligation* of an *Oath* did not consist in the formality of applying it to the place, but in calling *God* to *Witness*. So that when he call'd *God* to *Witness* before Dr. *Burnet* and some others, if what he affirm'd to them were not consistent with his present *Oath*, it could not be true, or if he Swore both under the *Religion* of an *Oath*, he Swore himself perjur'd.

That the Lord *Howard* owed him Money.

As for *Aaron Smith*, he had Sworn also that the *Prisoner* sent him, but that no Body else spoke a word of it.

He urges that as to the Papers similitude of hands was no proof.

As for the *Papers*, he was not to give any *Accompt* of them, nor did he think they were before the *Court*, in regard there was nothing but the similitude of hands offer'd for *Proof*. For this

this he inſtanc'd in the Caſe of the Lady *Car*, *Indicted* of *Perjury*, for proof of which ſome *Letters* of hers were produc'd, which were contrary to what ſhe Swore in *Chancery*, and it vvas prov'd her hand was like it, but the *Lord Chief Juſtice Keeling* directed the *Jury*, that in *Criminal Cauſes* it was no proof at all.

He objects againſt Sir *Philip Floyd*.

That as to Sir *Philip Lloyd*, he thought him to be no *Witneſs*, as being the *King's Officer*, and he being proſecuted at the *King's Suit*; For which, he urg'd a *Caſe* of a great *Miniſter* in *France*, whoſe *Treaſonable Papers* being inventory'd by one of the *King's Officers*, was the reaſon why they could not be made uſe of. He added farther, That the *Papers* were old *Ink*, and might be written twenty *Years* ago for ought he knew.

As for the *Conſult*, it was ſtrange that ſuch Men as they who had no *Followers*, ſhould undertake ſo vaſt a Deſign, and very unlikely, when they had neither *Officers* nor *Souldiers*, no time, nor place, nor Money for it. That he had ſpoken the laſt time of 20 or 3000 *l.* but no Man knew where it was to be had, only he ſaid the laſt time it was ſpoken in *Feſt*. That it was a pretty *Cabal*, for ſix Men to meet about a buſineſs, and neglect every one of the Points relating to the buſineſs they met about, or if any one did ſpeak of it, that it was but in *Feſt*. Deſcending then again to the Point of the *Papers*, he began to open the *Argument* of *Filmer*'s Book, alledging it was a Book of ill *Fundamentals*, to which thoſe *Papers* ſeemed only to be an *Anſwer*. But then the *Court* interrupted him, and admoniſhing him not to ſpend theirs nor his own time, ask'd him whether he own'd the *Paper*? vvhich when he deny'd, the *Court* bid him to proceed to that which was pertinent.

He inſiſts upon ſeveral Points of Law.

Colonel *Sidney* inſiſted that he had ſeveral Points in *Law*, particularly whether Conſpiring to Levy *War* were *Treaſon*?

To which the *Court* reply'd, That there could be no doubt in Point of *Law*, till there were a ſettlement in Point of *Fact*, that if he would agree the Conſpiracy, they would tell him their *Opinions*, but that they could give no *Opinion* in *Law* till the Point were ſtated. That the *Conſpiracy* was prov'd by one *Witneſs*, and therefore if he had any thing to take off his *Credibility* 'twas to the purpoſe. They alſo allow'd him to have any part of the *Papers* read, either to execute, or explain the *Treaſon* which was imputed to him in the *Libel*.

He calls his witneſſes.

So that at length after ſeveral *Repetitions* of the ſame *Objections*, and a long *Patience* of the *Court*, Colonel *Sidney* call'd his *Witneſſes*. And firſt,

The Teſtimony of the Earl of *Angleſey*.

The Earl of *Angleſey* declared, That being in *Company* with the Earl of *Bedford*, when the Lord *Howard* came to give him a viſit, and to comfort him in his *Affliction* for his Sons being taken, he told him he was not to be troubl'd, for that he had a diſcreet, a wiſe, and a vertuous Son, and that he could not be in any ſuch Plot, and his *Lordſhip* might therefore well expect a good Iſſue of that buſineſs, and he might well believe his Son ſecure: for he believ'd he was neither Guilty, nor ſo much as to be ſuſpected. He proceeded farther, and ſaid he knew of no ſuch barbarous Deſign, and could not Charge the Lord *Ruſſel* with it, nor any Body elſe.

Of the Earl of *Clare.*

The Earl of *Clare* declared, That as for Colonel *Sidney*, the Lord *Howard* did with several asseverations assert, after the Colonel was taken, That he was as Innocent as any Man breathing, and us'd great *Encomiums* in his praise, and then seem'd to bemoan his misfortune, which he thought real; for that he believ'd, never any Man had been more engag'd to another, then he was to Colonel *Sidney*. And upon talking of some *Papers* that were found, he said he was sure nothing could be made of any *Papers* of his. And that this was about a Week before the Lord *Howard* was taken.

Of Mr. *Philip Howard.*

Mr. *Philip Howard* declared, That when the Plot first broke out, he us'd to meet the Lord *Howard* very often at his *Brothers* House; and that coming from *White-hall* one day, and being ask'd what *News?* he told him, That there were abundance of *People* that had confess'd a *Horrid Design* of *Murdering* the *King*, and that their Names were Colonel *Rumsey*, *West*, *Walcot*, and others that were in a *Proclamation*. That he ask'd his Lordship what he thought of the *Business?* to which he Answer'd, That he was in an amaze. That he adviz'd him to lay hold upon the *Opportunity* to speak to the discontented *Lords*, to joyn in an *Address* to the *King*, to shew their Detestation and Abhorrence of the thing, as a means to reconcile all things: That the Lord *Howard* promis'd him to go about it, but because the Earl of *Essex* was out of *Town*, it went off.

That the next day he met the Lord *Howard* again at his *Brothers* House, and being by him ask'd what *News?* that he Answered, The Lord *Russel* was sent to the *Tower*; to which he reply'd, Then we are all undone, and desir'd him to go to the *Lord Privy Seal*, and see whether he was to be taken up: for that he doubted it was a *Sham-Plot*, for if it were a *True-Plot*, he should fear nothing. That he refus'd to go, not thinking it probable that his *Lordship* would resolve him such a *Question*; but that he farther ask'd him, If he were not Guilty, why he would have him go? to which the Lord *Howard* reply'd, Because he fear'd 'twas no *True-Plot*, but a *Plot* made upon them, and therefore no Man was free.

That he met him a third day at the same place, and found him very melancholly, and that asking him the reason? he Answered, Because Colonel *Sidney* was taken. Upon which he ask'd him again, Why he was not troubl'd the Day before for the Lord *Russel*, who was of his *Blood?* he reply'd, Because he had that particular *Obligation* from Colonel *Sidney*, that no one Man had from another.

Of Dr. *Burnet.*

Dr. *Burnet* declared, That the Day after the *Plot* broke out, the Lord *Howard* came to see him, and upon some Discourse of the *Plot*, with hands and eyes lifted up to *Heaven* protested, He knew nothing of any *Plot*, believ'd nothing of it, and said he look'd upon it as a *Ridiculous Thing*.

Of *Joseph Ducas.*

Joseph Ducas declar'd, That the next Day after the Colonel was taken, the Lord *Howard* came to the Colonels House, and ask'd him where Colonel *Sidney* was? that he reply'd, He was taken by an *Order* of the *King*; to which his *Lordship* cry'd, *O Lord what is that for!* That he adviz'd him to carry all the things out

out of the House where they might be safe. That he came again about seven a Clock at Night: and that then he told his *Lordship* of the *Report* of a *Plot* to Kill the *King* and the *Duke*, and of a general *Insurrection*, and of Colonel *Sidneys* sending into *Scotland*; to which the Lord *Howard* reply'd, *God knows, he knew nothing of all that, and that he was sure, had Colonel* Sidney *been concern'd in the Matter, he would have told him something, but he knew nothing.*

Of the Ld. *Paget.*

The Lord *Paget* declar'd, That the Lord *Howard* was with him presently after the breaking out of the *Plot*, and that he told him he was glad to see him abroad, and that he was not concern'd in the *Disorder*: to which he reply'd, That he had joy from several concerning it, and he took it as an injury, for it look'd as if he were Guilty, but that he knew nothing of himself, or any Body else; and that though he were free in *Discourse*, and free to go into any *Company*, yet he had not seen any body that could say any thing of him, or give him any occasion to say any thing of any body else.

Of Mr. *Edward Howard.*

Mr. *Edward Howard* declared, That as soon as the *Plot* broke out, the Lord *Howard* having a great *Intimacy* with him, he expressed a great detestation and surprizing in himself to hear of it, and assur'd him under great asseverations, that he could neither accuse himself, nor any Man living. That he told him moreover, That there were certain Persons of Quality whom he was very much concern'd for, that they should be so much reflected upon, or troubl'd, and condol'd their Condition very much, both before and after.

That upon *Discourse* at another time (which he had omitted at the Lord *Russels Tryal*, by reason of the reproof that was accidentally given him) upon *Discourse* of the *Plot*, the Lord *Howard* assur'd him. That it was certainly a *Sham*, even to his knowledge, too black for any *Minister* of publick Employment to have devis'd, but that it was forg'd by *People* in the *Dark*, such as *Jesuits* and *Papists*, and that it was in his *Conscience*. That thereupon he adviz'd him to make an *Address* to the *King* under his hand to testify his abhorrency of the *Thing*. Then being ask'd by his *Lordship* to whom he should apply himself, he pitch'd upon the Lord *Hallifax*, and going to him, told him, that the Lord *Howard* was willing to set it under his hand, his detestation of the *Plot*, and that there was no such thing to his knowledge: but that upon the Lord *Russels* being taken, the thing was laid aside.

Of Mr. *Blake.*

Mr. *Blake* declar'd, That about six Weeks since, the Lord *Howard* sent for him to come and see him. That he went upon *Discourse* of *News*, he told the Lord *Howard*, That he heard no body had their *Pardon*, but he that first Discover'd the *Plot*; to which the Lord *Howard* Answered, *No*; but that he had a *Warrant* for it, and that he had their *Word* and *Honour* for it, but he would do nothing in it, till he had farther *Orders*. That he heard nothing of it, and could *Ascribe* it to no other Reason, but that he must not have his *Pardon* till the *drudgery* of *Swearing* was over.

Of *Grace Tracy.*

Grace Tracey declar'd, That the Lord *Howard* protested he knew nothing of a *Plot*, and that he was sure Colonel *Sidney* knew

knew nothing of it; And farther added, That if he had known any thing of it, he must needs have known of it, for that he knew as much of his Concerns as any one in the *World*: and took *God* to *Witness* of his *Protestation*.

Of *Elizabeth Penwick*.

Elizabeth Penwick declared, That the Lord *Howard* ask'd for him? and they said he was taken away by a Man to the *Tower* for a *Plot*; upon which he took *God* to *Witness*, that he knew nothing of it, neither did the Colonel; but said it was only *Malice*, desiring withal that the Colonels *Plate* might be sent to his House to be secur'd.

Mr. *Wharton* offers to imitate the hand.

Then one Mr. *Wharton* stood up, and offer'd to the *Court*, that if the sheets might be shewn him, he would undertake to imitate them in a little time, that they should not know which was which.

The Prisoner proceeds in his defence.

He argues upon the Statute of the 25*th*. of *Edward* the 3*d*.

Then the *Prisoner* proceeding to his *Defence*, set forth, That there was a large *Complication* of *Crimes* laid to his *Charge*. That he understood they were under the *Statute* of the 25*th*. of *Edward* the 3*d*. That the *Statute* had two Branches, one relating to *War*, the other to the *Person* of the *King*. That that which related to the *Person* of the *King*, made the Conspiring, Imagining, and Compassing the *Death* of the *King* to be Criminal. That the Branch concerning *War* was not so, unless it were levy'd. That he could not imagin to which of the two they referr'd his *Crime*; For that to say that a Man did meet to Conspire the *Kings Death*, and for him that gave the *Accompt* of the business not to say one word of it seem'd extravagant.

For that *Conspiracies* had always their *Denomination* from that Point to which they tended. That the King had two *Capacities Natural* and *Politick*: that the *Politick* could not be within the *Statute*, for in that sense he never dy'd; so it was absur'd, to say it should be a fault to Kill the *King* who never dy'd. That then it must be understood in the *Natural Sense*, which was to be done either by *Sword*, *Pistol*, or other violent way. So that if there were not one word of this, then it was utterly at an end, though the *Witness* had been good.

He argues as to the Point of Levying War.

That as to the Point of Levying *War* it was made *Treason*, so it were prov'd by an *Overt Act*, but that there never was an *Overt Act*, or could be pretended in his *Case*. So that if the *War* were not Levy'd, it was not within the *Act*. Therefore in his *Case* it was imply'd, it was first imagin'd, that he intended to raise a *War*, and then it was imagin'd that that *War* should tend to the *Destruction* of the *King*, which though it might follow, was neither *Natural* or *Necessary*, and so could not be so understood by the *Law*. That therefore it was two distinct things to make *War*, and to endeavour to kill the *King*; and that as there was no manner of pretence that he should endeavour to Kill the *King* directly, so it could not be by *Inference*, because it was *Treason* under another *Species*. Upon which he cited the Lord *Colce*, who says it is the Overthrow of *Justice* to confound *Membra Devidentia*. From whence he argu'd, That if the making of *War* could not be understood to be a Conspiring the Death of the *King*, that then he was not Guilty of the *Indictment*; but in his *Case* there was neither *Conspiring the Death of the King*, nor making *War*, nor *Conspiring*

ſpiring to make *War:* beſides that, the *Law required two Witneſſes.*

That as to the buſineſs of *Aaron Smith*, the Lord *Howard* told it ſo imperfectly, and ſo meerly conjecturally, that there was nothing in it but his *Rhetorit* to ſet it out; for that he never told by whom it was Writ, nor what was in it, or whether it were delivered or no. And whereas it was urg'd that the *Scotch Gentlemen* came to *Town*, he profeſſed he never heard of their *Names* till they were named to him in the *Tower.*

The buſineſs of *Aaron Smith* conjecturally and implecitely Sworn.

That as to the *Papers*, if any thing were to be made of them, they were to produce the whole, for that it was impoſſible to make any thing of a part of them. But though ſome *Papers* were found in his *Study* (though it were a *Queſtion* whether they were found there or no, or whether they were not Counterfeit) yet the hand was ſuch as ſhew'd they had been Written many *Years.* He then put it to the Court by way of *Queſtion*, If any body had found *Papers* in his own hand or anothers, that were not juſtifyable, whether that were *Treaſon?* whether that imagin'd the Death of the *King?* And if ever any Man could ſay he ever publiſht a *Sheet* in his *Life*, he would ſubmit to puniſhment.

His Plea in reference to the Papers.

Then he ask'd what *Concatenation* thoſe *Papers* could have with the *Select Council*, *Selected* by no Body, to purſue the Deſign of the Earl of *Shaftsbury?* Then what was it to do? This was nothing by the *Teſtimony* of the *Witneſs*, were he Credible, he ſaid, but a few Men talking at large what might, or what might not be; what was like to fall out without any manner of *Intention*, or doing any thing. That they did not ſo much as enquire, whether there were Men, Arms, or Ammunition. That it was a *War* to be made by five or ſix Men not knowing one another, nor truſting one another: for which he inſtanc'd Dr. *Cox*'s *Evidence* at the Lord *Ruſſels Tryal.*

His Plea as to the Council of ſix.

Something more he ſaid to the ſame purpoſe, but concluded as to this Point, that the *Court* was not to make any *Conſtructive Treaſons*, but to go according to plain proof; *Conſtructive Treaſons* belonging only to the *Parliament*, as by the immediate *Proviſo* in the *Act*, and by ſeveral other *Acts* of *Parliament* appear'd. And therefore he thought it impoſſible for the *Jury* to find the *Matter*: for that the firſt Point was only prov'd by the Lord *Howard*, who as he thought was no Body, and the laſt concerning the *Papers*, was only imaginary, from the ſimilitude of Hands.

The *Priſoner* having thus made his *Defence*, the *Solicitor General* ſumm'd up the *Evidence*, and anſwered all the *Priſoners Objections* with that Learning and Eloquence, that nothing could be more convincing.

When he had done, the *Priſoner* offer'd again to have ſpoken to the *Court*; but it was told him, that after the *Kings Council* had concluded, the *Priſoner* was never admitted to ſay any thing more. And then the *Lord Chief Juſtice* told the *Jury* in particular, That what the *Priſoner* had ſaid, that was not prov'd; and what the *Kings Council* had ſaid, of which there was no proof to make it out, was not to be taken into any Conſideration.

Then the *Solicitor General* deſir'd one word more as well for his own as the *Priſoners* Sake; That if he had ſaid any thing

The Solicitor General's requeſt to the

Court, in his own and Prisoners behalf.

that was not *Law*, or misrepeated, or misapply'd the *Evidence* that had been given, he made it his *Request* to the *Court* to rectify those *Mistakes*, as well in Point of *Fact*, as in Point of *Law*.

The Lord Chief Justice delivers his Charge to the Jury.

This done, the *Lord Chief Justice* deliver'd his *Charge* to the *Jury*, which was so full and so clear, that after he had concluded, the *Jury* withdrawing, stay'd no longer then about half an Hour in *Consultation*; and then returning, brought the *Prisoner* in *Guilty*.

He is brought to receive Judgment.

Upon *Monday*, *November* the 26*th*. Colonel *Sidney* was again brought up to the *Bar* of the *Kings-Bench* to receive his *Sentence*, and being ask'd the usual *Question*? He Pleaded first,

That he conceiv'd he had had no *Tryal*, for that he was to be *Tryed* by his *Country*, but he did not find his *Country* in the *Jury* that *Try'd* him, in regard there were some of them that were not *Freeholders*; and therefore if he had had no *Tryal*, there could be no *Judgment*.

To which the *Court* reply'd, That it had been the *Opinion* of all the *Judges* of *England* in the *Case* last proceeding his, that by the *Statute* of *Queen Mary*, the *Tryal* of *Treason* was put as it was at *Common Law*, and that there was no such *Challenge* at *Common Law*.

He then desir'd a *Day* and *Council* to argue it; but it was told him, It was not in the Power of the *Court* to do it.

He then desir'd the *Indictment* might be read again, which being done, he urg'd that it was void, because it depriv'd the *King* of his *Title* of *Defensor Fidei*, which was *Treason* by the *Law*. But the *Court* did not think it a material Objection.

He urg'd there was no *Treason* in the *Papers*, and nothing prov'd of them: to which it was answered, That there was not a Line but what was *Treason*.

Next he desired that the Duke of *Monmouth* might be sent for, and offer'd to acknowledge what ever they pleas'd, if he would say there was any such thing as a *Design*, or knew any thing of it.

He gives Offence to the Court.

But it was told him that was over, since he had been Try'd for the *Fact*. Upon which he put forth these words, *If you will call it a Tryal*; which was ill-resented by the *Court*, as if he went about to Arraign the *Justice* of the *Nation*.

Then he complain'd that the *Jury* were not summon'd by the *Baliff*, but were agreed upon by the under *Sheriff* and others, and ask'd whether that were a good *Jury*? to which the *Court* made Answer, That they could take notice of nothing but what was upon the *Record*, and it appear'd that the *Sheriff* had made his return.

The Court pronounces Judgment.

What he alleadg'd more, was nothing but what he had urg'd in his *Defence* upon the Point of *Constructive Treason*; So that the *Court* proceeded to Judgment, which was given accordingly. Which *Sentence* being afterwards mitigated by His *Majesties Grace* and *Favour*, he was upon ——— the ——— Day of ———

Col. Sidney beheaded.

carryed from the *Tower* of *London*, to the publick *Scaffold* upon *Tower-Hill*. Where after a very short *Preparation*, with little or no *Ceremony*, he lay'd himself down, and had his Head struck from his Body by the common *Executioner*.

Upon the *Scaffold* he delivered a *Paper* to the *Sheriffs* in the *Nature*

Nature of a *Speech*, in which he was so far from Repenting for the *Crime* which he suffer'd, that he rather justify'd himself by complaining of the rigour of his *Tryal*, and broaching those very *Opinions* to the subversion of *Monarchy*, which were the Subject of those *Treasonable Papers* for which he was in part Condemned. But the *Speech* has been *Printed*, and therefore there needs no Repetition of a *Matter* so scandalous.

On the other side the Lord *Brandon*, Mr. *Booth*, Major *Wildman*, Mr. *Charleton*, and Mr. *Trenchard*, and some others that were Bail'd the last *Term*, were then fully Discharg'd. The Lord *Brandon*, Mr. *Trenchard*, and several others discharged.

THE

Charge and Defence

OF

John Hambden, Esq;

THE 6*th*. of *February*, 1683. *Term. Sancti Hillar.* *John Hambden* was Tryed before the Lord Chief Justice *Jefferies*, upon an Indictment of High Misdemeanour, for contriving and practising to disturb the Kings Peace, and stirring up *Sedition* in the Kingdom.

The stress of the *Evidence* against the *Prisoner*, was upon the Lord *Howards* single *Testimony*; who Swore, That about the middle of *January*, in the Year, 168$\frac{2}{3}$. The Council of Six, of which Mr. *Hambden* was one, met at the *Prisoners* House, where they received from his own Lips, a general hint and intimation of the ends of their Meeting, which were to consult and advise one with another, how to put things into a better Method, and posture than formerly. That the Questions were started severally: while one spoke of the time, when it should be, whether now, or when? Another whether to be begun in the City or the Country, or both together? what Persons to be prepared in the several Countries to be assisting in it that were probable to carry it on? what Money should be rais'd? and that lastly it was concluded at the same Meeting, That there should be a Concurrence and Correspondency with *Scotland*, that so Diversions might be given both at home and abroad at one and the same time. The Lord *Howards* Evidence. The first Meeting.

That about a fortnight after there was another Meeting at the Lord *Russels*, where the *Prisoner* was also present; where they came to a Resolution, that some body should be sent into *Scotland*, The second Meeting.

land, upon which Colonel *Sidney* propounded *Aaron Smith*, which was consented to by Mr. *Hambden*, and the rest of the Company.

Aaron Smith sent into *Scotland.*

To prove the Credibility of the Lord *Howards* Testimony, he Swears the Circumstances of *Aaron Smith* being sent into *Scotland*, which was Corroborated by the *Inn-Keeper* of *Newcastle*, at whose House he lay, and where he hir'd him a *Guide* to carry *Aaron Smith* the next way into *Scotland*; who also knew *Aaron Smith* again, when he saw him at the *Council-Table*.

The next Circumstance was this, That the *Scotch* Gentlemen did come to *London*, under pretence of a purchase in *Carolina*.

The Evidence of Sir *Andrew Foster*, and Mr. *Atterbury.*

This was made out upon Oath by Sir *Andrew Foster*, and Mr. *Atterbury*. The first had seen Sir *John Cockram*, Mr. *Monro*, and *Cambel* the Son. The second Swore, That Sir *Hugh Cambel*, Sir *George Cambel*, *Bayley*, and some others were taken in *Black-Fryers*: and that he took the rest in a cunning Hole in *Moor-Fields*, who were afterwards sent *Prisoners* into *Scotland*.

The sum of the Evidence.

Thus the sum of the *Evidence* against the *Prisoner* was a Consultation in Order to the raising of Men to infest the Government. A *Discourse* concerning the raising of Money and Arms for that end: the places where, and the time when: and the Conciliating a friendship with some discontented *Persons* in *Scotland*, to joyn with the *Conspirators* in *England*.

Mr. *Williams* answers for the Defendant.

To this the *Prisoner* by his *Council* Mr. *Williams* made Answer, That whereas the Lord *Howard* was positive and particular as to some things in reference to Persons, Places, and Times, yet in what most effected the *Defendant*, he was not any thing like positive as to the times of the *Meeting*, but only that it was about the middle of *January*, and the beginning of *February*. And thereupon he made this *Observation*, That since the *Evidence* would not be particular as to the Time, it might be apprehended that he gave himself a little loose, that he might not be contradicted in that *Circumstance*.

2. That the *Witness* were particular as to many *Facts* and *Things* relating to the Lord *Shaftsbury*, where he Names other particular Persons and Discourses, yet he had not made use of any one *Circumstance* of *Fact* in the *Case* of the *Defendant*, save only that of *Aaron Smith*.

In the next place it was urg'd, That in regard there were other *Witnesses* before, and beside the *Evidence*, to the *Discovery* of the *Plot*, it concern'd the Lord *Howard* to give a home *Evidence* in the *Case*, or else he could have no expectation of his *Pardon*; and that therefore he was concerned perhaps to strain, that he might make such a *Discovery* as might answer his end; which the *Counsel* supposed would Naturally arise out of this *Case*, since it was something long before he got his *Pardon*, but that now he had it.

After this, several *Persons* of *Quality* were produced, to prove the Lord *Howards* denyal of a *Plot*, that he knew of none, and believ'd the whole thing a *Contrivance*.

To prove the Prisoners Conversation.

Others were call'd, to prove Mr. *Hambden* a *Person* of a retired Life, addicted to his *Studies*, free from *Turbulency*, and medling in business, and of great esteem, respect, and duty, which

which he always expreſſed for the *King* and the *Government*.

This being done, the *Lord Chief Juſtice* himſelf made a moſt elaborate *Recapitulation* of what had been offered in *Evidence* by the *Kings Council*, and what the *Council* for the *Priſoner* had objected againſt it. Which *Objections*, though it were Confeſſed, that they were Ingeniouſly made by Mr. *Williams*, for the advantage of his *Client*, yet were they all cleared by the *Lord Chief Juſtice* with that ſatisfaction as he went along, both to the *Court* and all that heard him, that the *Jury* returning within half an Hour after they withdrew from the *Bar*, brought in the *Priſoner* Guilty of the *Treſpaſs* and *Miſdemeanour* whereof he was Indicted. The Lord Chief Juſtice ſumming up the Evidence.

The *JURY* Sworn were theſe:

Sir *Charles Gerard*, Bar.	*John Sharp*, Eſq;
Roger Fennings, Eſq;	*Charles Good*, Eſq;
Henry Hodges, Eſq;	*Samuel Rouſe*, Eſq;
Thomas Harriots, Eſq;	*Hugh Squire*, Eſq;
Thomas Earsby, Eſq;	*Nehemiah Arnold*, Eſq;
William Avery, Eſq;	*John Biſield*, Eſq;

Upon the 12*th*. of *February*, the *Attorney General* mov'd for Judgment upon this Conviction; upon which the *Priſoner* being ordered to come into *Court*, the Judgment of the *Court* was, That a *Fine* of 40000 *l*. ſhould be ſet upon him, that he ſhould be committed till he paid it, and that he found Sureties for his good behaviour during *Life*. Then Mr. *Williams* prayed his *Bayl* might be Diſcharg'd, which was agreed, he being Committed. And for the *High Treaſon* it was concluded, that he was Diſcharged by the *Habeas Corpus Act*, there being no *Proſecution*.

The Charge *and* Defence *of* Lawrence Braddon, *and* Hugh Speak, *who were Tryed at the* Kings-Bench-Bar, *the Seventh of* February, 1683.

THEY were both Charged together upon an *Information*, That they Conſpir'd together, to make the People believe, That whereas the Earl of *Eſſex* Murdered himſelf, and ſo it was found by the *Inquiſition*, yet that *Inquiſition* was taken unduly, and irrigularly obtain'd, and that they did Conſpire to procure falſe *Witneſſes* to make theſe things out. The Charge in general.

There was a third thing Charg'd upon *Braddon*, That he went about by *Papers* and otherwiſe to publiſh it, that he was a Perſon employed to Proſecute the Murther of the Earl of *Eſſex*.

The Heads of the Information.

For the *Information* it self there was this *Evidence*, first Mr. *Evans* Swore, That he had heard at the *Custom-House* from the Father of the Boy, as though there had been a Report came to him from home at ten that Morning, upon which the Earl of *Essex* had cut his Throat, of a *Razer* thrown out of the Earls Window; and that in the Afternoon he came to him again, and told him, he had examin'd the *Matter* farther, and his Boy had confirm'd the *Truth* of it. Farther the same Mr. *Evans* Swore, That after this, Mr. *Braddon* and one *Hatsal*, came to the place where he was in *Essex*, at what time *Hatsal* took out of his Pocket a Printed Copy of the *Inquisition*, and then Mr. *Evans* said something about the Report he had heard, which seemed to contradict the *Inquisition*. That some time after being at a *Coffee-House*, *Braddon* and *Edwards* came to him, and there they began to talk, and *Edwards* said, that *Braddon* had been with his Child to examine him, to bear *Testimony* about flinging the *Razor* out of the Window, upon the Report which the Boy had made our: upon which he adviz'd them to forbear talking any farther about the *Matter*, for that it might do *Braddon* and *Edwards* both an Injury.

Edwards's Evidence.

Edwards Swore, that he heard the Report first from his Family, and that afterwards the Boy confirmed the Truth of it; but afterwards he heard the Boy had denyed it, which was after *Braddon* had been there to enquire concerning it. Then he Swore that *Braddon* came to him again, and that then he had got a note dictated by himself, and not by the Boy, which being tendered to the Boy, the Boy refused to put his hand to it. Upon which Mr. *Braddon* came again another time, though he was told, the Boy had deny'd it, and then the Boy did set his hand to it. Withal he said, the Boy was us'd to tell Lyes very often, which his Family told him also, and that more especially to make Excuses when he played *Truant*.

The Boy upon his Oath.

The Boy being put upon his Oath, with all the tenderness and admonitions that could be us'd, Swore positively, That he told his Mother and Mr. *Braddon*, what he had Reported concerning the *Razor* was true at first; but when his Sister bid him be sure to tell nothing but what was *Truth*, then he said, *Truly it was not Truth*.

He farther Swore, That Mr. *Braddon* offer'd him a *Paper* to Sign, but he would not Sign it: and being ask'd the *Question* why he would not? He Answered, Because it was not true: and being ask'd whether *Braddon* had notice of this, both the Mother and Sisters all Swore, That *Braddon* had notice that the Boy had denyed it. The Boy deny'd also upon his Oath, That he had ever say'd, He was going to see the Lord *Gerard* of *Brandon*'s Lodgings, though *Braddon* had put it into the *Paper* which he made him Sign.

He farther Swore, That Mr. *Braddon* came to him a second time, after he had refus'd, and that then it was that Mr. *Brandon* imposing upon him, and pretending there was no harm to him, but that if there were, it would redound to *Braddon* himself, he was then prevail'd upon to put his Name to that which was notoriously false.

him,

Dr. *Hawkins*'s Son of the *Tower* deposed, That he likewise played *Truant* that Morning; that upon the Report of the Earl of *Essex*'s having cut his Throat, he went back to the *Tower*, and was there a considerable time gaping among the People, and that he saw *Edwards*'s Boy there, that he was there all the time he was there, that they went out of the *Tower* together, and that there was no such thing, nor any grounds for such a Report. Dr. *Hawkins* his Sons Testimony.

Mr. *Brathwayt*, who was present when Mr. *Braddon* was before the King, deposed, That the Boy and the Girl were fetch'd and all Persons examin'd, and that after this it was told him, That all that the Boy had said was false, and by his *Faith* it was a Lye. That *Braddon* confessed he would have got some Justices of the Peace to have examin'd the Boy, and to that purpose apply'd himself to Sir *Robert Clayton*, and Sir *John Lawrence*, but because they would not do it privately, he would not let them do it at all. Mr. *Brathwayt*.

That the right Words of one of the Sisters being examin'd before the King, to the best of his remembrance was, *That* Braddon *compell'd the Boy to Sign it.*

Mr. *Monstevens* depos'd, That Mr. *Braddon* came to him, and shew'd him the Boys *Information*, which he read, and thereupon by way of caution told him, That he wonder'd Sir *H. Capel* did not appear in a *Matter* of that Moment! To which *Braddon* reply'd, That Sir *H. Capel* was ill, and could not come himself. But being told that Sir *H. Capel* was not so ill, but that he had been with the Earl of *Sunderland* and the King too, since the Death of the Earl of *Essex*, he made no Answer, only that he did it out of the Duty he ow'd to the *Memory* of the Lord of *Essex*.

Sir *H. Capel* upon Oath declar'd, That Mr. *Braddon* came to him, to tell him he had some *Discovery* to make concerning the Death of the Earl of *Essex*; to whom Sir *Henry* reply'd, That if he had any thing of that *Nature*, he should go to a *Secretary* of *State*. Sir *H. Capel*.

Mr. *Beech* being Sworn, deposed, That when he was seiz'd in the *Country* by the *Warrant* of one Mr. *Aires*, there was found about him several *Informations* of his own contriving, as of *Edwards*'s Boy, of the little Girl *Lodeman*, a *Letter* from one *Burgess* a *Pinmaker* in *Marleborough* to the *Post-Master* of *Froom*, to this effect: *Pray call to mind such a business of a Report of my Lord of* Essex's *cutting his Throat, upon* Fryday *the* 13th. *of* July *last. Pray recollect your self, and impart it to this Bearer.* Mr. *Beech*'s deposition. The substance of *Burgess*'s Letter.

In this *Letter* it appeared, That Mr. *Burgess* had put it in his *Letter* the *6th.* of June; but upon Mr. *Braddons* telling him that he had mistaken, it must be the 13*th.* the same *Burgess* accordingly interlin'd the 13*th.* of *July*, to make it humour the Story.

Against Mr. *Speak* there was no other *Evidence* than the *Letter* which was taken out of *Braddons* Pocket in the *Country*, directed to Sir *Robert Atkins*, and by Mr. *Brathwayt* Sworn to have been own'd by Mr. *Speak* himself before the *King* and *Council*. Speak's Letter.

The substance of which was, *That* Braddon, *a very Honest Gentleman, the Prosecutor of the Murder of the Earl of* Essex, *had*

had made a conſiderable Diſcovery of it, notwithſtanding the hard ſtream he ran againſt. That he had ſent him his Man, for fear he ſhould be ſtabb'd, or knockt in the head in thoſe Parts, and deſired Sir Robert's *advice how he ſhould proceed, admoniſhing him withal, to call him by the Name of* Johnſon. *Then going on in the firſt Perſon* Plural, *we hope, ſaid he, to bring on the Earl of* Eſſex's *Murder to a Tryal, before they can any of thoſe in the Tower*, &c. *We labour under many difficulties, as the Tide runs at preſent*, &c.

His Defence. To this the chief of Mr. *Speaks* Defence was, That he wrote the *Letter* at ſuch a time at Night, after he had been at the *Tavern*, that he knew not well what he wrote. That he knew nothing but what he had from *Braddon*, and that he was no otherwiſe concern'd, or knew any of the *Matter*. So that the *Lord Chief Juſtice* left it to the *Jury*, whether they believ'd he had written the *Letter* with a Deſign to have the Lye ſpread abroad, for that then he was as guilty in every Circumſtaace as the other, as to the Deſign in general laid in the *Information*; though not equally guilty about the management. For *Braddon* ſeveral *Evidences* were call'd, who were all examin'd by *Braddon* himſelf.

Lewis aſſerted, That one day as he was going up a *Hill* near *Andover*, he heard the News of the Earl of *Eſſex*'s cutting his Throat, and ſaid it was upon a *Fryday*, but what Week or Month it was, only that it was in *Summer*, he could not tell.

Feilder being call'd, aſſerted, That at *Andover*, the *Wedneſday* before the Earl Murder'd himſelf, it was all the talk of the *Town*, that he had cut his Throat, and that it was all the talk of the *Town* at that time, though the *Fact* were not committed till *Fryday*; but could not remember the Name ſo much as of one Perſon, though the *Town* were ſo full of People.

Mrs. *Edwards* the Mother. Mrs. *Edwards* being call'd, aſſerted, That when *Braddon* came firſt to enquire about the Boys Report, they were a little ſtartled; that thereupon the Daughter went to the Boy, and told him ſuch a Perſon had been there about ſuch a thing, and bid him ſpeak the *Truth*. *Why?* ſays the Boy, *Will any harm come of it?* I can't tell, ſaid ſhe, but tell you the *Truth*. Then ſaid the Boy, *All the Story is falſe*.

Mrs. *Edwards* the Daughter. The Daughter, young Mrs. *Edwards*, affirm'd the ſame thing, That the Boy did tell them ſuch a *Story* at firſt, but that afterwards he affirm'd it was all a *Story*, and meerly his own *Invention*.

Being ask'd by *Braddon*, whether ſhe did not frighten him, by threatening his *Father* would be turn'd out of his place? ſhe Anſwered, *No*; being upon her *Oath*.

Jane Loadman. *Jane Loadman* being Sworn, depoſed, That ſhe ſaw a hand throw a *Razor* out of a *Window*, but ſhe could not tell what *Window* it was; preſently after which ſhe heard either two ſhrieks or two groans, ſhe could not tell which. That there were a great many people there, who could not chuſe but ſee the ſame: but the people ſhe did not know.

Being ask'd whether the *Razor* were thrown on the in-ſide of the *Pales*, or the out-ſide? ſhe Anſwered, The out-ſide, in contradiction to the Boy who had ſaid the in-ſide. Then again having

having Sworn in *Braddons* Examination, That ſhe ſaw the *Razor* thrown out of the Lord of *Eſſex*'s Lodgings, ſhe deny'd in Court upon her Oath, that ſhe knew where his Lodgings were. In her *Information* ſhe affirms ſhe heard, Go fetch up the *Razor*. In Court ſhe Swore, She heard no *Souldier* ſpeak at all. And all this done in open Day when there were abundance of People there, though ſhe could not tell any particular Body. Upon which the *Lord Chief Juſtice* made this Remark, That it was ſtrange, that out of a hundred People, which if the Girl ſaid true, were there, *Braddon* could not ſatisfie himſelf to enquire after ſome of them, but muſt pick up a Child of thirteen Years of Age, to practice upon in that villainous manner.

Moreover, by the Accompt which *C. Hawley* gave of his Houſe, it was impoſſible that the Girl could ſee a Coach at the Dore: it was impoſſible there ſhould be a Croud of people in the Yard, becauſe the *Sentinel* that ſtood at the Door muſt have ſeen all that paſt in and out: and beſides, the *Pales* were ſo high, that nothing could be flung over, that could eaſily be diſcern'd.

Mrs. *Barton* depos'd, That *Braddon* did engage the Boy at Mrs. *Edwards*'s Houſe to tell *Truth*, and put him in mind of the 5*th*. Chapter of the *Acts*: but obſerving that after he had ſo talk'd thus to the Boy, he was going to take *Pen*, *Ink* and *Paper*, and fearing to be drawn in for a *Witneſs*, ſhe went out of the *Room*. Mrs. Barton.

Then *Glasbrook* being call'd, who had ſet his Hand to *Loadman*'s Examination or Information, it was prov'd upon reading the Information to be no more, then that the Girl ſhould ſay, That after the Earl of *Eſſex* had Murdered himſelf, he flung the *Razor* out at Window; as if after he had been his own *Executioner*, he had got to Life again, and threw away the *Inſtrument* with which he did the *Fact*. Will. Glasbrook.

Then *Smith* a *Barber* being call'd, ſpoke much to the ſame effect.

Upon the whole, the *Lord Chief Juſtice* ſo clearly diſplay'd the Contradictions of the *Teſtimony*, and the Improbability of the *Circumſtances*, and ſo plainly trac'd them through all their *Obſcurities* and *Ambiguities*, that the *Jury* found *Braddon* guilty of the whole *Matter* Charg'd upon him in the *Information*, and Mr. *Speak* guilty of all, but Conſpiring to procure falſe *Witneſſes*.

Thereupon the Court ſet a Fine of 2000 *l*. upon Mr. *Braddon*, with Order to find *Sureties* for his good *Behaviour* during Life, and to be committed till the ſame be performed.

Upon Mr. *Speak* they ſet a Fine of 1000 *l*. with the ſame Order for *Sureties* and commitment.

The Charge *and* Defence *of Sir* Samuel Barnardiſton, *Tryed for High Miſdemeanour the* 14th. *of* February, 1683. *before the Right Honourable the Lord Chief Juſtice* Jefferies, *at the Seſſions of* Niſi Prius *for the City of* London, *after the Term.*

The Names of the *JURY* were:

Thomas Vernon	*Samuel Newton*
Percival Gilburn	*George Torriano*
Edward Bovery	*Kenelm Smith*
William Withers, Sen.	*Thomas Goddard*
James Wood	*Thomas Amy*
Robert Masters	*Richard Blackburn.*

The Information and substance of the Letters.

THE *Information* against the *Defendant* was, for Scandalising and Vilifying the *Evidence* in the last *Horrid Plot*, which he did in several *Letters*, in one of which he Related the great Favour into which the Duke of *Monmouth* was returnd: and seem'd to *Triumph*, that all the *Prisoners* that were in the late *Sham Protestant-Plot*, were Discharg'd upon *Bayl*, that *Braddon* was not Prosecuted, that the passing Sentence upon the *Author* of *Julian*, &c. and the *Printer* of the Lord *Russels Speech* were pass'd over in silence, *&c.*

To which he added these Expressions: *'Tis generally said the Earl of* Essex *was Murthered. The brave Lord* Russel *is afresh lamented. The Plot is lost here, unless you can find it in the Country among the* Addressers *and* Abhorrers. *That the* High Tories *and* Clergy *were mortify'd, and Sir* George *was grown humble.*

This was the substance of the rest of the *Letters*, with some alterations of Words.

Mr. *Brathwayt.* To prove him the *Author* of the several *Letters*, Mr. *Brathwayt* was Sworn, who deposed, That Sir *Samuel*, upon the 10*th* of *December*, before the King and the Lords of the *Council*, own'd three of the *Letters* to be of his own hand writing. Being ask'd whether Sir *Samuel* said they were published by him, or sent to any person? the *Witness* Answered, That he did not deny but that he had publisht and sent them.

Mr. *Atterbury.* Mr. *Atterbury* being Sworn, deposed, That he own'd three of the *Letters* to be written by him: and that being ask'd by His *Majesty* who subscrib'd them? he Answered, They were subscribed by one of his Servants, and so order'd to be sent to the *Post-House*.

Mr. *Osland.* Mr. *Osland* being call'd and Sworn, deposed, That he wrote one of the *Letters* out of a Copy, given him by Sir *Samuel*, as he was his Servant, to go down into the *Country* to Sir *Phillip Skippon*.

The same *Witness* being ask'd what became of the *Letters* after they were subscrib'd? made Answer, That he believ'd they all went to the *Post-House*.

To this Mr. *Williams* of Counsel for the *Defendant* pleaded, That there was no proof of Sir *Samuels* publishing the *Letters*, only what Mr. *Brathwayt* said, That he did not deny the publishing of them, and what Mr. *Atterbury* said, That Sir *Samuel* should say they were sent to the *Post-House*. Upon which Mr. *Williams* put it to the Court, Whether if a Gentleman writes a *Letter* to a private *Friend*, that was a publishing of a *Libel*? neither was

Sir *Samuels* Servant positive as to the *Letter* which he Copy'd, whether he delivered it back to Sir *Samuel* or no, or whether he delivered it in at the *Post-House*, but only as he believ'd.

Then it was urg'd that there was no *Evidence* given about his *Malice*. To which the *Lord Chief Justice* reply'd, That the thing was *Evidence* of it self; For that if any person wrote *Libels*, or published any *Expressions* which in themselves, carryed *Sedition* and *Faction*, and *ill will* to the *Government*, they could not be otherwise expressed in his *Accusation*, then by the words *Maliciously*, *Seditiously*, and *Factiously*; and the very proof of the thing it self, prov'd the Evil Mind wherewith it was done.

Then as to the first *Objection* about the writing and publishing, it was delivered as the Judgment of the *Court*, that there was as full and plain proof of the dictating and writing of the *Letters*, as could be made.

Then as to what Mr. *Williams* objected against the publishing it, was ask'd him, whether it were not very absurd, to think that such a person as Sir *Samuel*, should take such a wonderful deal of pains and care to write such a deal of *Malicious Factious Stuff*, give them his Man to Copy out, subscribe and seal them to carry in his Pocket. Besides that, they were directed to Persons where Sir *Samuel* was known to have a *Correspondence*: and farther, the purport of the *Letters*, which was, *To desire their Friends to bestir themselves, to get in sober Men, and to be sure to keep the sober Party up*, spoke in its own *Nature*, that the *Letters* were intended and written with a Design, that they should be *Communicated*.

In short the Proof was so full, and the Defence so weak, that the *Jury* gave in their *Verdict* without stirring from the *Bar*, and found Sir *Samuel Barnardiston* guilty of the Offence and Misdemeanour charg'd upon him in the *Information*.

The Sentence of the Court was, *That he should pay to the King a Fine of* 10000 *l. and to find Sureties for his good Behaviour during Life, and to be Committed till the same be performed.*

The Narrative, Arraignment, Condemnation, Confession and Execution of James Holloway.

UPON the 21*st* of *April*, 1684. *James Holloway* was brought by *Habeas Corpus* from *Newgate*, there to shew cause why *Execution* should not be awarded against him, upon an *Outlawry* for *High Treason* against him.

This *James Holloway* being deeply concerned in the *Plot*, upon the first Discovery had made a shift to make his Escape in a small Vessel which he hir'd for 20 *l. per. Month*, from *Bristol* to *Rochel*; where having loaden his Vessel with *Brandy* and other Goods, he Sail'd away for *Barbado's*: but understanding there that his Name was in the *Gazett*, he hasted to *Antego*; but neither thinking it safe to lye long there, he resolv'd to visit the *Charibdee Islands*, and so went down to *Montserrat*, *Mevis*, St. *Christophers*, *Sancta-Estatia*, and *Anguilla*, and so back again to St. *Christophers*, which he supposed to be the safest place, as being unknown to any there. Where after he had stay'd three Weeks, he wrote to his *Factor* in *Mevis*, to even his Accompts, who

who upon receipt of his Letter Discover'd him. So that Sir *William Stapleton* presently sent his Warrant to St. *Christophers*, to Apprehend him; but being remov'd from thence to *Estatia*, he was pursued thither, and there taken by the *Deputy Governour* of St. *Christophers*, to whom he submitted, from thence he was sent into *England*, and so committed to *Newgate*.

While he was there he wrote a Paper, which he call'd, *His free Confession and Narrative*, Addressed to His Majesty, and delivered by himself to Mr. *Secretary Jenkins*. But there does not appear to be any thing more in it, then what has been opened and discovered at the *Tryals* of the several *Malefactors* Executed before him; unless it were what was to have been Acted in *Bristol*, which was to have been secur'd by surprize, with about 350 Men, of which 200 were to be rais'd in and about the *City*, and the rest to have been sent from *Taunton*; toward the conclusion of which *Narrative*, he tells the World, That he had given to his Majesty the Names of several other persons, besides those already known, who were to have been concerned in the Plot: which is all wherein he materially differs from the rest of the Discoverers.

Being therefore brought to the Bar, and demanded what he had to say, why *Execution* should not be awarded against him, upon the attainder of *Outlawry* for *Treason*? he Answered, That he had made an Ingenius Confession to His Majesty, and begg'd his Mercy.

Then the Court told him, That notwithstanding the *Outlawry* against him, if he had a mind to try the Fact, and thought he could defend himself, he should have the Liberty.

To which the Prisoner Answered, That he could not undertake to defend himself, for that he had Confessed before His Majesty, that he was guilty of many things in the Indictment.

When he came to the place of *Execution*, he Confessed his Belief of a Plot, and that he was concern'd in it; but notwithstanding his Contrition, he could not chuse but accuse the Government of managing several things ill, and against the King, and the Kingdoms Interest: and then by way of Direction, he thought it His Majesties best way to call a Parliament, and pass an *Act of Oblivion* for all the *Plotters* in *England*; and then by way Admonition, he wish'd the King would Consult his own safety, and the safety of the *Nation*, and that there might be an end put to all *News-mongers*.

He detested the Design upon the King at the *Rye*, but own'd to be in a Plot for seizing the King, as being inform'd, That if the King could but once have been acquainted with those things that were done contrary to his knowledge, he would have come over to them that stood for his assistance.

Being urg'd to give the Names of such persons as he had spoken of? he Answered, It would be a Folly in him to abuse Men that he knew not whether they would be concerned or no, though he believ'd, that if he should Name all that he thought would have been concerned in his Design, he might Name three parts of *London*. His last wheedle was, That he had no Design against His Majesties Person, but that what was intended, was only for the good of the King and Kingdom, and that so he suppos'd it would have been.

The *Paper* Delivered to the *Sheriffs*, was but an *Epitemy* of his *Confession* to the King; which has been already said, was no more then an Accompt of what has been already *Printed* in all the considerable *Tryals* of the late *Executed Offenders*, or rather not so much.

Lastly, As for his *Religion*, he professed himself neither a *Dissenter* from the *Church of England*, nor joyn'd with them altogether: concluding his last Words, That the *Scriblers* might be put down, as having done the Kingdom more Mischief then any thing else.

After which being ask'd whether he had any more to say? he Answered, No; and then the *Sheriff* desired of God to have Mercy on his Soul.

FINIS.

AN ABSTRACT OF THE PROCEEDINGS AT THE Kings-Bench AT VVESTMINSTER AGAINST Sr. Thomas Armstrong.

Upon an Outlawry for High-Treason, upon Saturday *June, the* 14*th.* 1684.

BY *ANOTHER HAND.*

SIR *Thomas Armstrong* being then brought to the Bar of the said Court by Vertue of a Writ of *Habeas Corpus* directed to the Keeper of *Newgate*, and the return of the Writ being read by the Clerk of the Crown, it appeared he was in Custody of the said Keeper, by a Warrant from the Honourable *Sidney Godolphin*, Esq; one of His Majesties Principal Secretaries of State. Which Warrant being read in Court, and the Award of Execution upon the Outlawry being demanded by His Majesties Attorney General, and Sir *Thomas* being thereupon Arraigned, and asked what he had to say for himself, why Execution should not be awarded against him according to Law? At first he seem'd as having nothing to say for himself,

only begg'd a Tryal; which being denyed him as a thing, which indeed it was not in the Power of the Judges themſelves to grant, he then inſiſted upon a Statute made in the *Sixth* of *Edward* the *Sixth*, by which it was provided, That if the Perſon Outlawed, ſhould within one Year after the Outlawry was pronounced, or Judgment given thereupon, yield himſelf to the Chief Juſtice of *England* for the time being, and after to Traverſe the Indictment, or Appeal, whereupon the ſaid Outlawry was pronounced, that then he ſhould be received to the Traverſe, *&c.* And though Sir *Thomas* pretended to render himſelf within the Year, being then preſent at the Kings-Bench-Bar, yet the Court did not think this a yielding in the Senſe of the Statute, being at that time under reſtraint, and not at his own diſpoſal, without any ſemblance that he would otherwiſe have yielded up himſelf to Juſtice at all. And indeed it is very ſtrange, that yielding, and being at Mercy whether a Man will or no, ſhould be Interpreted the ſame, as if a voluntary act, and a neceſſary misfortune, in which we are only paſſive, were the ſame: beſides that, he that yields only in this Senſe and Circumſtance, when it is impoſſible for him to flye any longer, is in reaſon ſtill looked upon as a flying Perſon, becauſe his Will ſtill flyes though his Body cannot; and he that in all appearance would ſtill continue to flye if he were able, there being before his Apprehenſion, no Antecedent appearance of a voluntary ſurrender, is by no means within the Favour of the Traverſe, becauſe the Reaſon of the Award is founded upon a ſuppoſed acknowledgment of Guilt, which is expreſſ'd by flight, and this tacite Acknowledgment does ſtill remain, if the Perſon do no otherwiſe ſurrender himſelf but by force, and becauſe it vvas not in his Povver to have avoided it, though he vvould never ſo fain. Sir *Thomas* his Affair may be Illuſtrated by a parallel Inſtance; Suppoſe a *French* Army, ſet down before one of the *Spaniſh* Tovvns in *Flanders*, the General ſends a Summons, and offers ſuch or ſuch Conditions in Caſe of a ſurrender before ſuch a day, vvhich Conditions are rejected by the Governour of the Town, who ſtands wholly upon his Defence, and vvill hear of no ſort of Overtures vvhatſoever: It ſo happens upon this, that the Tovvn is taken by Storm before that day comes, the Queſtion is, Whether

ther Burgeſs of this Tovvn may lay claim to the performance of the ſaid Conditions? And my Opinion is, That a Tovvn taken may be as properly ſaid to yield, as Sir *Thomas Armſtrong*. Beſides, that is very ſtrange, that an Act of Parliament, vvhich is in other Caſes ſo Nice and Circumſpect, ſometimes by heaping up Synonimous Words, and all other Words of a different ſignification, the better to prevent all exception, ſhould in this be ſo careleſs, as to Confound Liberty and Neceſſity together, the tvvo things of all the World that are the moſt Diſtant from, and Oppoſite to one another.

Sir *Thomas* after this laid vvhat hold he could on the Favour ſhevvn to *Holloway* a little before, but that being meerly an Act of Grace from the King, vvho is the beſt Judge, and the only Proprietor of his own Favours; and ſo not lying before the Court, after ſome Altercation, Execution was ordered upon the *Fryday* following; and for his Behaviour at the place of Execution, I refer you to the Sheriffs Papers.

FINIS.